

THIRTY-FIFTH DAY.

(Continued.)

(Wednesday, March 9, 1927.)

The House met at 9:30 o'clock a. m., and was called to order by Mr. Satterwhite.

COMMUNICATION FROM HON. ROBERT LEE BOBBITT.

The Speaker laid before the House and had read the following communication:

House of Representatives,
Austin, Texas, March 8, 1927.

Hon. Lee Satterwhite, Building.

My Dear Mr. Satterwhite: This is your authority to convene the House on March 9th, A. D. 1927, and to serve as Speaker pro tempore.

Very truly yours,
ROBERT LEE BOBBITT,
Speaker of the House.

EXTENDING THANKS TO THE CITIZENS OF FORT WORTH AND DALLAS.

Mr. Minor offered the following resolution:

Whereas, On the 5th and 6th days of March, A. D. 1927, the citizens of Dallas and Fort Worth, acting through their respective Chambers of Commerce, were hosts to the Governor and other high State officials, the members of the House and Senate of the Fortieth Legislature and the employes thereof; and

Whereas, The arrangements for said visits, as well as the features of entertainment, were so perfectly worked out through the co-operation of the Dallas and Fort Worth Chambers of Commerce and the representatives of Dallas and Tarrant counties that all guests are agreed that the occasions were among the most delightful ever attended by them; and

Whereas, We feel that some expression of our appreciation of the cordial hospitality shown us should be expressed by proper resolution; now, therefore, be it

Resolved by the House of Representatives of the Fortieth Legislature, That we desire to express in this manner our deep appreciation of the warm welcome and cordial hospitality extended us by the citizens of Dallas and Fort Worth, respectively, and especially do we

thank the members of the Dallas and Tarrant delegations in the House and Senate and their good wives who served as members of the respective reception committees for their painstaking care in seeing that every visitor was so well and generously provided for during the entire visit, and we feel that our contact with the citizenship of those great North Texas cities and the information gained thereby will serve to bring about a better understanding of the problems of mutual concern and that we are in a better position by reason of said visit to better promote the public welfare as representatives of a great commonwealth.

Signed—Minor, Daniel, Storey, Teer, Parrish, Young.

The resolution was read second time and was adopted.

SPECIAL ORDER SET.

On motion of Mr. Smyth, Senate bill No. 311 was set as a special order for 2:30 o'clock p. m. Wednesday, March 9.

OATH OF OFFICE ADMINISTERED.

The Speaker laid before the House and had read the following communication from George C. Stephens, County Judge of Hopkins county:

Sulphur Springs, Texas,
March 7, 1927.

Hon. R. L. Bobbitt, Speaker of the House of Representatives, Austin, Texas.

Dear Sir: Unofficial returns from the election held last Saturday for election of Representative, 126th District, indicate that the bearer, Hon. Alex Brice, was elected by an almost two to one majority over all opponents; therefore, I would suggest, if the law permits, that Mr. Brice be given the oath of office that he may assume his duties.

Respectfully,
GEO. C. STEPHENS,
County Judge Hopkins Co., Texas.

The Speaker stated that Hon. Alexander Brice, Representative-elect from the One Hundred and Twenty-sixth District, to take the place of Mr. H. H. Moore, was within the bar of the House and if there was no objection offered the constitutional oath of office would be administered to him at this time.

There was no objection offered.

In accordance with the above action the Speaker appointed the following

committee to escort the newly elected member to the Speaker's stand: Messrs. King of Hopkins, Swain, Stell, DeBerry and Simmons.

The committee having performed their duty, the constitutional oath of office was administered to him by the Speaker.

Speaker Satterwhite presented Mr. King of Hopkins, who in turn introduced Hon. Alexander Brice to the House.

Mr. Brice then addressed the House.

HOUSE BILL NO. 326 ON PASSAGE TO ENGROSSMENT.

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 326, A bill to be entitled "An Act for the better enforcement of laws relating to registration of motor vehicles and motorcycles, for the control of vehicles operated on State highways and the protection of the public safety; for the better supervision of a State patrol system, such patrolmen to wear a badge and uniform, and describing such badge and uniform; providing that no arrest shall be made by such patrolmen or other officers by lying in wait for the purpose of trapping drivers of vehicles on the highways suspected of violation of speed restrictions; providing venue of all prosecutions of violations hereunder; providing that no fees shall be paid any officer making an arrest in violation of the provisions of the law, and declaring an emergency."

The bill having heretofore been read second time, and postponed until 3 o'clock p. m., Tuesday, March 8.

Mr. Parish of Runnels offered the following amendment to the bill:

Amend House bill No. 326, page 2, Section 3, by striking out the following, beginning on line 11, "and no sheriff, constable, marshal, policeman, traffic officer, or other officer."

The amendment was lost.

Mr. Wallace of Freestone offered the following amendment to the bill:

Amend House bill No. 326, printed bill, by adding the following after the word "speeding," on line 16, page 2: "Unless such officer has been designated to make such arrests by the commissioners court of such county."

The amendment was adopted.

Mr. Barnett offered the following amendment to the bill:

Amend House bill No. 326, page 1, line 24, by changing the word and figure "forty (40)" to "thirty (30)."

The amendment was lost.

House bill No. 326 was then passed to engrossment.

HOUSE BILL NO. 326 ON THIRD READING.

Mr. Williamson moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 326 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—93.

Barnett.	McKean.
Barron.	Montgomery.
Bass.	Morse.
Beck.	Murphy.
Black.	Nabors.
Boggs.	Pearce.
Bonham.	Petsch.
Boon.	Poage.
Branch.	Pool.
Conway.	Pope.
Cornwell.	Ramsey.
Cox.	Rawlins.
Cummings.	Reagan.
Daniel.	Renfro
Davis.	of Angelina.
DeBerry.	Rogers of Hays.
Dunlap.	Rogers of Shelby.
Enderby.	Rowell.
Eickenroht.	Runge.
Farrar.	Sanders.
Faulk.	Satterwhite.
Fly.	Shaver.
Foster.	Shearer.
Fuchs.	Shirley.
Gates.	Simmons.
Gibson.	Sinks.
Gilbert.	Smith of Atascosa.
Graves.	Smith of El Paso.
Gray.	Smith of Nueces.
Hagaman.	Smith of Smith.
Hall.	Smyth.
Harman.	Snelgrove.
Hefley.	Sutton.
Hogg.	Swain.
Holder.	Tillotson.
Holland.	Turner.
Jacks.	Van Zandt.
Jones.	Veatch.
Keeton.	Walker.
Kemble.	Wallace
King of Hopkins.	of Freestone.
Lipscomb.	Wallace of Panola.
Long.	Wallace of Smith.
Masterson.	Wells.
McCombs.	Williams
McGill.	of Sabine

Williams
of Travis.
Williamson.

Woodall.
Young.

Nays—25.

Albritton.	Loy.
Alexander.	Merritt.
Bateman.	Minor.
Bird.	Olsen.
Dielmann.	Parish of Runnels.
Forbes.	Pavlica.
Harding.	Stell.
Kayton.	Stout.
Kennedy.	Taylor.
Kenyon.	Waddell.
Kincaid.	Wassell.
Kirkland.	Whitaker.
Land.	

Absent.

Acker.	Parrish of Travis.
Avis.	Porter.
Brown.	Powell.
Duvall.	Purl.
Finlay.	Renfro of Mills.
High.	Sheats.
Hornaday.	Stevenson.
Johnson.	Storey.
Kirby.	Teer.
Loftin.	Ware.
Moursund.	Webb.
Nicholson.	Woodruff.

Absent—Excused.

Anderson.	King of
Denman.	Throckmorton.
Justice.	Kinnear.

The Speaker then laid House bill No. 326 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—89.

Barnett.	Faulk.
Barron.	Fly.
Bass.	Foster.
Beck.	Fuchs.
Black.	Gates.
Boggs.	Gibson.
Bonham.	Gilbert.
Boon.	Graves.
Branch.	Hagaman.
Conway.	Hall.
Cornwell.	Harding.
Cox.	Harman.
Cummings.	Hefley.
Davis.	Hogg.
Dunlap.	Holder.
Enderby.	Holland.
Farrar.	Jacks.

Jones.	Runge.
Keeton.	Sanders.
Kenyon.	Shaver.
King of Hopkins.	Shearer.
Land.	Shirley.
Lipscomb.	Simmons.
Long.	Sinks.
Masterson.	Smith of El Paso.
McCombs.	Smith of Nueces.
McGill.	Smith of Smith.
McKean.	Smyth.
Montgomery.	Snelgrove.
Morse.	Sutton.
Moursund.	Swain.
Murphy.	Teer.
Nabors.	Tillotson.
Pearce.	Turner.
Petsch.	Van Zandt.
Poage.	Veatch.
Pool.	Wallace
Pope.	of Freestone.
Ramsey.	Wallace of Panola.
Rawlins.	Wallace of Smith.
Reagan.	Wells.
Renfro	Williams
of Angelina.	of Sabine.
Rogers of Hays.	Williamson.
Rogers of Shelby.	Woodall.
Rowell.	Young.

Nays—28.

Albritton.	Loy.
Alexander.	Merritt.
Bateman.	Minor.
Bird.	Olsen.
Daniel.	Parish of Runnels.
Dielmann.	Pavlica.
Eickenroht.	Porter.
Forbes.	Stell.
Gray.	Taylor.
Hornaday.	Waddell.
Kayton.	Walker.
Kennedy.	Ware.
Kincaid.	Wassell.
Kirkland.	Whitaker.

Present—Not Voting.

DeBerry.

Absent.

Acker.	Powell.
Avis.	Purl.
Brown.	Renfro of Mills.
Duvall.	Satterwhite.
Finlay.	Sheats.
High.	Stevenson.
Johnson.	Storey.
Kemble.	Stout.
Kirby.	Webb.
Loftin.	Williams
Nicholson.	of Travis.
Parrish of Travis.	Woodruff.

Absent—Excused.

Anderson.	Denman.
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Justice.
King of
Throckmorton.

Kinnear.
Smith of Atascosa.

HOUSE BILL NO. 497 ON PASSAGE TO ENGROSSMENT.

The Speaker laid before the House, as postponed business, on its passage to engrossment,

H. B. No. 497. A bill to be entitled "An Act directing the State Board of Education to make an apportionment of funds according to scholastic census of certain school districts, providing the method of taking the census, making an appropriation therefor, and declaring an emergency."

The bill having heretofore been read second time.

Mr. Finlay offered the following amendment to the bill:

Amend House bill No. 497 by inserting after the word "appropriated," the following: "Out of the general fund of the State."

The amendment was adopted.

House bill No. 497 was then passed to engrossment.

HOUSE BILL NO. 497 ON THIRD READING.

Mr. Gray moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 497 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—93.

Acker.	Foster.
Alexander.	Gilbert.
Avis.	Graves.
Barnett.	Gray.
Barron.	Hall.
Bass.	Hefley.
Bateman.	Hogg.
Boggs.	Holder.
Branch.	Holland.
Brown.	Hornaday.
Conway.	Jacks.
Cornwell.	Johnson.
Daniel.	Jones.
DeBerry.	Keeton.
Dielmann.	Kenyon.
Dunlap.	King of Hopkins.
Duvall.	Kirby.
Enderby.	Kirkland.
Eickenroht.	Land.
Farrar.	Long.
Faulk.	Loy.
Fly.	McCombs.

McGill.	Sheats.
McKean.	Shirley.
Merritt.	Simmons.
Minor.	Smith of El Paso.
Montgomery.	Smith of Atascosa.
Moursund.	Smith of Smith.
Murphy.	Smyth.
Nabors.	Snelgrove.
Nicholson.	Stevenson.
Parish of Runnels.	Sutton.
Parrish of Travis.	Teer.
Pavlica.	Tillotson.
Petsch.	Turner.
Poage.	Van Zandt.
Pope.	Veatch.
Porter.	Waddell.
Purl.	Wallace of Panola.
Ramsey.	Wallace of Smith.
Rawlins.	Wassell.
Reagan.	Webb.
Renfro	Wells.
of Angelina.	Williams
Rogers of Hays.	of Sabine.
Rogers of Shelby.	Williams
Runge.	of Travis.
Satterwhite.	Woodall.
Shaver.	Young.
Shearer.	

Nays—17.

Albritton.	Morse.
Bird.	Pearce.
Black.	Rowell.
Forbes.	Sanders.
Gibson.	Stell.
Hagaman.	Taylor.
High.	Walker.
Kennedy.	Ware.
Kincaid.	

Absent.

Beck.	Masterson.
Bonham.	Olsen.
Boon.	Pool.
Cox.	Powell.
Cummings.	Renfro of Mills.
Davis.	Sinks.
Finlay.	Smith of Nueces.
Fuchs.	Storey.
Gates.	Stout.
Harding.	Swain.
Harman.	Wallace
Kayton.	of Freestone.
Kemble.	Whitaker.
Lipscomb.	Williamson.
Loftin.	Woodruff.

Absent—Excused.

Anderson.	King of
Denman.	Throckmorton.
Justice.	Kinnear.

The Speaker then laid House bill No. 497 before the House on its third reading and final passage.

The bill was read third time.

Mr. Stell offered the following amendment to the bill:

Amend House bill No. 497, paragraph 1, page 1, lines 19 and 25, by striking out "on April 1, 1926," and insert in lieu thereof the following: "By last preceding scholastic census."

The amendment was adopted.

House bill No. 497 was then finally passed by the following vote:

Yeas—103.

Acker.	Moursund.
Alexander.	Murphy.
Avis.	Nabors.
Barnett.	Nicholson.
Barron.	Parish of Runnels.
Bass.	Pavlica.
Bateman.	Pearce.
Boggs.	Petsch.
Branch.	Poage.
Brown.	Pool.
Conway.	Pope.
Cornwell.	Porter.
Cummings.	Purl.
Daniel.	Ramsey.
Davis.	Rawlins.
DeBerry.	Reagan.
Dielmann.	Renfro
Dunlap.	of Angelina.
Enderby.	Rogers of Hays.
Farrar.	Rogers of Shelby.
Faulk.	Rowell.
Fly.	Runge.
Forbes.	Satterwhite.
Foster.	Shearer.
Fuchs.	Sheats.
Gilbert.	Shirley.
Graves.	Simmons.
Gray.	Sinks.
Hagaman.	Smith of El Paso.
Hall.	Smith of Smith.
Harding.	Smyth.
Hogg.	Snelgrove.
Holder.	Stell.
Holland.	Stevenson.
Hornaday.	Storey.
Jacks.	Sutton.
Johnson.	Teer.
Jones.	Tillotson.
Keeton.	Turner.
Kemble.	Van Zandt.
Kennedy.	Veatch.
Kenyon.	Waddell.
Kincaid.	Walker.
King of Hopkins.	Wallace of Panola.
Kirby.	Wallace of Smith.
Land.	Wassell.
Loy.	Webb.
Masterson.	Williams
McGill.	of Sabine.
McKean.	Williams
Merritt.	of Travis.
Minor.	Woodall.
Montgomery.	Young.

Nays—10.

Albritton.	Long.
Black.	Morse.
Gibson.	Sanders.
High.	Taylor.
Kayton.	Ware.

Present—Not Voting.

Bird.	Eickenroht.
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Absent.

Beck.	Parrish of Travis.
Bonham.	Powell.
Boon.	Renfro of Mills.
Cox.	Shaver.
Duvall.	Smith of Nueces.
Finlay.	Stout.
Gates.	Swain.
Harman.	Wallace
Hefley.	of Freestone.
Kirkland.	Wells.
Lipscomb.	Whitaker.
Loftin.	Williamson.
McCombs.	Woodruff.
Olsen.	

Absent—Excused.

Anderson.	King of
Denman.	Throckmorton.
Justice.	Smith of Atascosa.
Kinnear.	

MOTION TO TAKE UP HOUSE BILL NO. 308.

Mr. Albritton moved that the regular order of business be suspended to take up and have placed on its second reading and passage to engrossment House bill No. 308.

The motion was lost.

HOUSE BILL NO. 473 ON SECOND READING.

On motion of Mr. Alexander, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 473, A bill to be entitled "An Act providing for the hiring out of prisoners convicted of a misdemeanor, and who have been committed to jail in default of payment of fine and costs adjudged against them; such hiring to be either by private contract or public auction; the requisites of the bond given by hirer payable to the county judge; defining the liabilities of hirer when convict escapes; suit on such bond, in the event of its breach; providing for full credit being given convict for labor;

providing manner for keeping record of convict so hired; providing for payment of officer's costs, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Alexander offered the following (committee) amendments to the bill:

Amend House bill No. 473 by inserting the words "or felony" after the words "petty offense" in line 2 of Section 1.

Amend House bill No. 473 by inserting the words "or felony" after the word "misdemeanor" in line 2 of the caption.

The amendments were severally adopted.

House bill No. 473 was then passed to engrossment.

HOUSE BILL NO. 473 ON THIRD READING.

Mr. Alexander moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 473 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—106.

Acker.	Johnson.
Alexander.	Kennedy.
Avis.	Kincaid.
Barnett.	King of Hopkins.
Barron.	Kirby.
Bass.	Kirkland.
Bateman.	Land.
Bird.	Long.
Black.	Loy.
Boggs.	McCombs.
Branch.	McGill.
Brown.	McKean.
Conway.	Merritt.
Cornwell.	Minor.
Cummings.	Montgomery.
Daniel.	Moursund.
Davis.	Murphy.
Dielmann.	Nabors.
Dunlap.	Parish of Runnels.
Enderby.	Parrish of Travis.
Eickenroht.	Pearce.
Farrar.	Petsch.
Faulk.	Poage.
Fly.	Pool.
Forbes.	Pope.
Foster.	Porter.
Fuchs.	Ramsey.
Gibson.	Rawlins.
Gilbert.	Reagan.
Graves.	Renfro
Hagaman.	of Angelina.
Hall.	Rogers of Hays.
High.	Rogers of Shelby.
Hogg.	Rowell.
Holder.	Runge.

Sanders.	Van Zandt.
Satterwhite.	Veatch.
Shaver.	Waddell.
Shearer.	Walker.
Sheats.	Wallace
Simmons.	of Freestone.
Sinks.	Wallace of Panola.
Smith of El Paso.	Wallace of Smith.
Smith of Nueces.	Ware.
Smith of Smith.	Wassell.
Smyth.	Webb.
Snelgrove.	Whitaker.
Stell.	Williams
Stevenson.	of Sabine.
Swain.	Williams
Taylor.	of Travis.
Teer.	Woodall.
Tillotson.	Woodruff.
Turner.	

Nays—6.

Denman.	Kenyon.
Hefley.	Smith of Atascosa.
Holland.	Sutton.

Absent.

Albritton.	Kemble.
Beck.	Lipscomb.
Bonham.	Loftin.
Boon.	Masterson.
Cox.	Morse.
DeBerry.	Nicholson.
Duvall.	Olsen.
Finlay.	Pavlica.
Gates.	Powell.
Gray.	Purl.
Harding.	Renfro of Mills.
Harman.	Shirley.
Hornaday.	Storey.
Jacks.	Stout.
Jones.	Wells.
Kayton.	Williamson.
Keeton.	Young.

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
	Kinnear.

The Speaker then laid House bill No. 473 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—104.

Acker.	Boggs.
Alexander.	Branch.
Avis.	Brown.
Barnett.	Conway.
Bass.	Cornwell.
Bateman.	Cummings.
Bird.	Daniel.
Black.	DeBerry.

Dielmann.	Porter.
Enderby.	Purl.
Farrar.	Ramsey.
Faulk.	Rawlins.
Fly.	Reagan.
Forbes.	Renfro
Foster.	of Angelina.
Fuchs.	Rogers of Hays.
Gibson.	Rogers of Shelby.
Gilbert.	Rowell.
Graves.	Runge.
Gray.	Sanders.
Hagaman.	Satterwhite.
Hall.	Shaver.
High.	Shearer.
Hogg.	Sheats.
Holder.	Simmons.
Hornaday.	Sinks.
Johnson.	Smith of El Paso.
Keeton.	Smith of Nueces.
Kennedy.	Smith of Smith.
Kincaid.	Snelgrove.
King of Hopkins.	Stell.
Kirby.	Stevenson.
Kirkland.	Swain.
Land.	Taylor.
Loftin.	Teer.
Long.	Turner.
Loy.	Van Zandt.
Masterson.	Veatch.
McCombs.	Waddell.
McGill.	Walker.
McKean.	Wallace
Merritt.	of Freestone.
Minor.	Wallace of Panola.
Montgomery.	Wallace of Smith.
Moursund.	Ware.
Murphy.	Wassell.
Nabors.	Webb.
Parish of Runnels.	Whitaker.
Parrish of Travis.	Williams
Pavlica.	of Sabine.
Pearce.	Williams
Petsch.	of Travis.
Poage.	Woodall.
Pope.	Woodruff.

Nays—4.

Hefley.	Kenyon.
Holland.	Sutton.

Present—Not Voting.

Eickenroht.

Absent.

Albritton.	Harding.
Barron.	Harman.
Beck.	Jones.
Bonham.	Kayton.
Boon.	Kemble.
Cox.	Lipscomb.
Davis.	Morse.
Dunlap.	Nicholson.
Duvall.	Olsen.
Finlay.	Pool.
Gates.	Powell.

Renfro of Mills.	Tillotson.
Shirley.	Wells.
Smyth.	Williamson.
Storey.	Young.
Stout.	

Absent—Excused.

Anderson.	King of
Denman.	Throckmorton.
Jacks.	Kinnear.
Justice.	Smith of Atascosa.

HOUSE BILL NO. 66 ON SECOND READING.

On motion of Mr. Barnett, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 66, A bill to be entitled "An Act to amend Articles 643 and 644, Chapter 6, Title 11, of the Penal Code of the State of Texas, relating to betting on public elections, and to defining public elections; declaring the offense to be a felony, and prescribing a penalty for violation."

The Speaker laid the bill before the House and it was read second time.

Mr. Barnett offered the following amendment to the bill:

Amend House bill No. 66 by striking out everything after the enacting clause and inserting in lieu thereof the following:

"Section 1. That Article 643 of Chapter 6, Title 11, of the Penal Code of the State of Texas, be and is so amended so as to hereafter read as follows:

"Art. 643. Any person who shall, whether before or after the happening of any public election held for any purpose whatever, under the authority of any Federal, State, town or city law, within this State or within any town, city, county, district, precinct, or any other political subdivision of and in this State, wager or bet in any manner, way, or means, or offer to wager or bet by the exhibition of any money or thing of value, whatever upon any result of any such election, shall be guilty of a misdemeanor and upon conviction shall be punished by confinement in the county jail not less than ten days nor more than one year.

"Art. 643a. It shall hereafter become the duty of every district judge in this State to charge each grand jury convening next following every such election to especially investigate violations of the law pertaining to betting on elections.

"Art. 643b. A conviction for the violation of any provision of this act may be had upon the unsupported evidence of an accomplice or participant. Such accomplice or participant shall be exempted from prosecution for any offense under this law about which he may be required to testify."

"Sec. 2. That Article 644 of Chapter 6, Title 11, of the Penal Code of the State of Texas, be and is so amended so as to hereafter read as follows:

"Art. 644. A public election, within the meaning of the preceding article, shall be any election, general, special or primary, held under and by the authority of any Federal, State, town or city law, within this State, or within any town, city, county, district, precinct or any other political subdivision of this State, for any purpose whatever, including the nomination of persons for public office in a primary election."

Mr. DeBerry offered the following amendment to the amendment:

Amend the amendment to House bill No. 66 by striking out section numbered "Art. 643b," lines 33 to 37, inclusive.

The amendment was adopted.

Mr. Barnett offered the following amendment to the amendment:

Amend House bill No. 66 by adding a new section to be known as Section 3, as follows:

"Sec. 3. The importance of this legislation and the crowded condition of the calendar creates an emergency and an imperative public necessity requiring that the constitutional rule providing that bills be read on three several days shall be suspended and such rule is, therefore, suspended and this act shall take effect and be in force from and after its passage, and it is so enacted."

(Speaker in the chair.)

Mr. Kennedy offered the following amendment to the bill:

Amend House bill No. 66 by striking out the enacting clause.

Mr. Holder moved to table the amendment, and the motion to table was lost.

Question then recurring on the amendment by Mr. Kennedy, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—69.

Acker.	Barron.
Albritton.	Bass.

Bateman.	Montgomery.
Bird.	Morse.
Bonham.	Moursund.
Boon.	Murphy.
Cornwell.	Nabors.
DeBerry.	Olsen.
Denman.	Parish of Runnels.
Dielmann.	Poage.
Dunlap.	Pool.
Farrar.	Porter.
Fly.	Reagan.
Foster.	Renfro of Mills.
Fuchs.	Rogers of Hays.
Gibson.	Rowell.
Hagaman.	Runge.
Harding.	Sheats.
Hefley.	Sinks.
Hogg.	Smyth.
Holland.	Stout.
Johnson.	Sutton.
Jones.	Swain.
Kayton.	Taylor.
Kemble.	Turner.
Kennedy.	Walker.
Kenyon.	Wallace of Panola.
Kirby.	Ware.
Land.	Wassell.
Loftin.	Wells.
Long.	Williams
Masterson.	of Sabine.
McCombs.	Woodall.
McGill.	Woodruff.
Merritt.	Young.

Nays—52.

Alexander.	Pearce.
Barnett.	Petsch.
Beck.	Pope.
Black.	Purl.
Boggs.	Ramsey.
Branch.	Rawlins.
Conway.	Renfro
Cummings.	of Angelina.
Daniel.	Rogers of Shelby.
Davis.	Sanders.
Duvall.	Satterwhite.
Enderby.	Shaver.
Faulk.	Shirley.
Finlay.	Simmons.
Forbes.	Smith of El Paso.
Gray.	Smith of Nueces.
Hall.	Smith of Smith.
Harman.	Snelgrove.
High.	Stell.
Holder.	Teer.
Jacks.	Van Zandt.
Kincaid.	Veatch.
King of Hopkins.	Waddell.
Kirkland.	Wallace of Smith.
Loy.	Webb.
Minor.	Whitaker.
Parrish of Travis.	

Present—Not Voting.

Williams of Travis.

Absent.

Avis.	Nicholson.
Brown.	Pavlica.
Cox.	Powell.
Eickenroht.	Shearer.
Gates.	Stevenson.
Gilbert.	Storey.
Graves.	Tillotson.
Hornaday.	Wallace
Keeton.	of Freestone.
Lipscomb.	Williamson.
McKean.	

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
Kinnear.	Smith of Atascosa.

Mr. Stout moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 9, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 253, A bill to be entitled "An Act creating the Board of Insurance Commissioners, providing for the appointment of the members, terms of office and their duties; repealing conflicting statutes, and declaring an emergency."

S. B. No. 447, A bill to be entitled "An Act to create a court to be known as the County Court of Cameron County at Law; to define the jurisdiction of said court, to fix the terms thereof; to provide the clerk to be appointed by the county clerk of Cameron county, to fix the qualification, bond and salary of the judge and clerk thereof, etc., and declaring an emergency."

S. B. No. 473, A bill to be entitled "An Act making an appropriation of the sum of \$31,409.85, or so much thereof as may be necessary, payable out of the general revenue fund not otherwise appropriated, and appropriating all other current revenue, or so much thereof as may be necessary, to be derived from the operation of the Texas State Railroad until August 31, 1927, and to be deposited in the State Treasury; said appropriation being for the traveling,

clerical and other expenses of the Board of Managers, and all other expenses connected with the sale and maintenance, operation or lease of said railroad, and being for the period up to and including August 31, 1927, and declaring an emergency."

S. B. No. 464, A bill to be entitled "An Act amending Article 2529, Revised Civil Statutes of 1925, relating to the security required of State depository banks and fixing the interest rate to be paid by said banks; amending Article 2533, Revised Civil Statutes of 1925, providing for the waiving of the payment of interest on such funds by reserve depository banks under certain circumstances; repealing Article 2538, Revised Civil Statutes of 1925, authorizing the Treasurer to invest State funds in United States Government bonds, and repealing Articles 2540, 2541, 2542 and 2543, Revised Civil Statutes of 1925, creating the Texas Rate Making Board and fixing its duties, and declaring an emergency."

S. C. R. No. 31, Urging Hon. Herbert Hoover to attend the First Annual Convention of the East Texas Chamber of Commerce.

Respectfully,

MORRIS C. HANKINS,
Assistant Secretary of the Senate.

BILL SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

S. B. No. 232, "An Act authorizing private corporations to be formed for any one or more of the following purposes: To accumulate and loan money, to sell and deal in notes, bonds and securities but without banking privileges; to act as trustee under any lawful express trust committed to it by contract; and as agents for the performance of any lawful act; to issue debentures, to subscribe for purchase, invest in, hold, own, assign, pledge and otherwise deal in and dispose of shares of capital stock, bonds, mortgages, debentures, notes and other securities, or obligations, contracts and evidences of indebtedness of foreign or domestic corporations not competing with each other in the same line of business, provided that the power and authority herein conferred shall in no way affect any of the provisions of the anti-trust laws of this State, and declaring an emergency."

CONFERENCE COMMITTEE REPORT
ON SENATE JOINT RESOLU-
TION NO. 24.

The Speaker laid before the House and had read the following report of the Conference Committee on Senate Joint Resolution No. 24:

Committee Room,
Austin, Texas, March 8, 1927.

Honorable Barry Miller, President of the Senate, and Honorable Robert Lee Bobbitt, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, to whom was referred

S. J. R. No. 24, Proposing an amendment of Sections 2, 3, 4, 5, 6 and 7 of Article V of the Constitution of Texas, for the purpose of providing a more efficient judicial system,

Have had the same under consideration, and beg leave to report that we have adjusted the differences between the House and the Senate on said resolution, and recommend the passage and adoption of the following substitute resolution:

S. J. R. No. 24. By Senator Wood.

A JOINT RESOLUTION

Proposing an amendment of Sections 2, 3, 4, 5, 6 and 7 of Article V of the Constitution of Texas for the purpose of providing a more efficient judicial system.

Be it resolved by the Legislature of the State of Texas:

Section 1. That Sections 2, 3, 4, 5, 6 and 7 of Article V of the Constitution of the State of Texas, be amended so as to read as follows:

Section 2 (of Article V). The Supreme Court shall consist of a Chief Justice and eight Associate Justices, five of whom shall constitute a quorum, and the concurrence of five judges shall be necessary to the decision of a case. No person shall be eligible to the office of Chief Justice or Associate Justice of the Supreme Court unless he be, at the time of his election or appointment, a citizen of the United States and of this State, and unless he shall have attained the age of thirty years and shall have been a licensed lawyer for seven years and, during that time, shall have been a practicing lawyer or judge of a court of record, or such practicing lawyer and judge together. Said Chief Justice and

Associate Justices shall be elected by the qualified voters of the State, at a general election, and shall hold their offices six years, or until their successors are elected and qualify, and shall receive such compensation as may be provided by law. In case of a vacancy in the office of Chief Justice or Associate Justice of the Supreme Court, the Governor shall fill the vacancy until the next general election for State officers, and at such general election the vacancy for the unexpired term shall be filled by election by the qualified voters of the State. The judges of the Supreme Court who may be in office at the time this amendment takes effect shall continue in office until the expiration of their terms of office under the present Constitution and until their successors are elected and qualify. When this amendment takes effect, the Governor shall immediately appoint six additional Associate Justices of the Supreme Court for terms of office so that the terms of two of such appointed Associate Justices shall expire with the term of office of each of the present members of the Supreme Court, and, upon the qualification of such new justices, the Commission of Appeals of the State of Texas shall terminate.

Section 3 (of Article V). The Supreme Court shall have appellate jurisdiction only, except as herein specified, which shall be co-extensive with the limits of the State. Its appellate jurisdiction shall extend to questions of law arising in the cases in the Courts of Civil Appeals in which the judges of any Court of Civil Appeals may disagree or where the several Courts of Civil Appeals may hold differently on the same question of law, or where a statute of the State is held void, and to questions of law arising in such other cases of which the Courts of Civil Appeals have appellate jurisdiction as may be prescribed by law; provided, that the Legislature may authorize direct appeals from the county and district courts in any case where a statute of the State has been declared void. The Supreme Court and the judges thereof shall have power to issue writs of habeas corpus as may be prescribed by law; and, under such regulations as may be prescribed by law, the said court and the judges thereof may issue the writs of mandamus, procedendo, certiorari, and such other writs as may be necessary to enforce its jurisdiction. The Legislature may confer original jurisdiction on the Supreme Court to issue writs of quo

warranto and mandamus in such cases as may be specified except as against the Governor of the State. The Supreme Court shall also have power, upon affidavit or otherwise, as by the court may be determined, to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction. The Supreme Court shall be open at all times and shall sit at the State Capitol for the transaction of business at such times as may be designated by the court. The present statutes defining the jurisdiction of the Supreme Court not in conflict herewith shall continue in effect until repealed or altered by the Legislature. The Supreme Court shall appoint a clerk, who shall give bond in such manner as is now or may hereafter be required by law, and he may hold his office for four years, and shall be subject to removal by said court for good cause entered of record on the minutes of said court, and who shall receive such compensation as the Legislature may provide.

Section 4 (of Article V). The Court of Criminal Appeals shall consist of three judges, provided that the Legislature may increase the number to five, and a majority of the judges shall constitute a quorum, and the concurrence of a majority of the judges shall be necessary to the decision of any case. Said judges shall have the same qualifications and receive the same salaries as the judges of the Supreme Court. They shall be elected by the qualified voters of the State, at a general election, and shall hold their offices for a term of six years. The judges of the Court of Criminal Appeals who may be in office at the time this amendment takes effect shall continue in office until the expiration of their terms of office under the present Constitution and laws.

Section 5 (of Article V). The Court of Criminal Appeals shall have appellate jurisdiction co-extensive with the limits of the State in all criminal cases of whatever grade, with such exceptions and under such regulations as may be prescribed by law, and the Legislature may confer original jurisdiction upon it to issue writs of mandamus, procedendo and certiorari in criminal cases. The Court of Criminal Appeals and the judges thereof shall have the power to issue the writ of habeas corpus and, under such regulations as may be prescribed by law, issue such writs as may be necessary to enforce its own jurisdiction. The Court of Criminal Ap-

peals shall have the power, upon affidavit or otherwise, to ascertain such matters of fact as may be necessary to the exercise of its jurisdiction. Said court shall be open at all times and shall sit at the State Capitol for the transaction of business at such times as may be designated by it. Said court shall appoint a clerk, who shall give bond in such manner as is now or may hereafter be required by law, and he shall hold his office for four years, unless sooner removed by the court for good cause entered of record on the minutes of said court, and said clerk shall receive such compensation as may be prescribed by law.

Section 6 (of Article V). The Legislature shall, from time to time, divide the State into such number of supreme judicial districts as to it may seem necessary, not exceeding twelve at any one time, and shall have the power to redistrict the State at any time, and shall establish a Court of Civil Appeals in each of said districts, which court shall consist of a chief justice and not less than two associate justices as the Legislature may provide, who shall have the qualifications as herein prescribed for justices of the Supreme Court, provided that the aggregate number of judges of all of the Courts of Civil Appeals shall never at one time exceed thirty-six. Each of the existing Courts of Civil Appeals shall continue until otherwise provided by law. The Courts of Civil Appeals shall have appellate jurisdiction co-extensive with the limits of their respective districts, which shall extend to all civil cases of which the district courts or county courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law; provided, that the decisions of said courts shall be conclusive on all questions of fact brought before them on appeal or error. Said Courts of Civil Appeals shall hold their sessions at such places as may be designated by the Legislature and at such times as may be prescribed by law. Said justices shall be elected by the qualified voters of their respective districts, at a general election, for a term of six years, and shall receive such compensation as may be provided by law. Said courts shall have such other jurisdiction, original and appellate, as may be prescribed by law. Each Court of Civil Appeals shall appoint a clerk in the same manner as

the clerk of the Supreme Court, which clerk shall receive such compensation as may be fixed by law. The judges of the Courts of Civil Appeals who may be in office when this amendment takes effect shall hold their offices until their respective terms shall expire under their present election or appointment.

Section 7 (of Article V). The State shall be divided into as many judicial districts as may now or hereafter be provided by law, which may be increased or diminished by law. For each district there shall be elected by the qualified voters thereof, at a general election, a judge, who shall be a citizen of the United States and of this State, who shall have been a licensed lawyer for four years next preceding his election, and during that time shall have been a practicing lawyer or judge of a court of record or such practicing lawyer and judge together, who shall have resided in the district in which he was elected for two years next preceding his election, who shall reside in his district during his term of office, who shall hold his office for the term of four years, and shall receive for his services such compensation as may be prescribed by law. He shall hold the regular terms of his court at the county seat of each county in his district at least twice in each year, in such manner as may be prescribed by law. The Legislature shall have power, by general or special laws, to authorize the holding of special terms of the court or the holding of more than two terms in any county for the dispatch of business. The Legislature shall also provide for the holding of district court when the judge thereof is absent or is, from any cause, disabled or disqualified from presiding. The Supreme Court or the chief justice thereof may assign any district judge to any district in the State other than that for which he was elected, with all the powers of a resident district judge of the district to which he is assigned, under such regulations as may be prescribed by the Legislature, or by the Supreme Court in the absence of such regulations enacted by the Legislature. The district judges who may be in office when this amendment takes effect shall hold their offices until their respective terms shall expire under their present election or appointment.

Sec. 2. Said proposed amendment shall be submitted to a vote of the electors of this State qualified to vote

on constitutional amendments at an election to be held throughout the State on the first Monday in August, A. D. 1927, at which each voter opposing said amendment shall scratch off of the ballot with pen or pencil the following words printed thereon: "For the amendment to the State Constitution amending Sections 2, 3, 4, 5, 6 and 7 of Article V of the Constitution of Texas for the purpose of providing a more efficient judicial system"; and each voter favoring said amendment shall scratch off of the ballot in the same manner, the following words printed thereon: "Against the amendment to the State Constitution amending Sections 2, 3, 4, 5, 6 and 7 of Article V of the Constitution of Texas for the purpose of providing a more efficient judicial system."

If it shall appear from a return of said election that a majority of the votes cast have been cast in favor of said amendment, it shall become a part of the Constitution of the State of Texas.

Sec. 3. The Governor shall issue his proclamation calling said election and have the same published and said election held in accordance with this resolution and the Constitution and laws of this State; and return shall be made and the votes canvassed and counted as provided by law; and if said amendment is adopted by the required vote of the qualified electors of this State, the Governor shall issue his proclamation as required by law.

Sec. 4. The sum of twelve thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of the State Treasury to pay for publication of the proclamation calling said election and any expense of the State in submitting said amendment and holding said election.

Respectfully submitted,

ACKER,
FLY,
RAWLINS,
SINKS,
PETSCH,

On the Part of the House.

STUART,
WOOD,
BLEDSOE,
BAILEY,
LEWIS,

On the Part of the Senate.

On motion of Mr. Acker, the conference committee report was adopted by the following vote:

Yeas—108.

Mr. Speaker.	Olsen.
Acker.	Parish of Runnels.
Albritton.	Parrish of Travis.
Alexander.	Pearce.
Barron.	Petsch.
Bass.	Poage.
Bateman.	Pool.
Beck.	Pope.
Bird.	Porter.
Boggs.	Purl.
Boon.	Ramsey.
Branch.	Rawlins.
Brown.	Reagan.
Conway.	Renfro
Cornwell.	of Angelina.
DeBerry.	Renfro of Mills.
Dielmann.	Rogers of Hays.
Enderby.	Rogers of Shelby.
Farrar.	Rowell.
Faulk.	Sanders.
Fly.	Satterwhite.
Forbes.	Shaver.
Foster.	Shearer.
Fuchs.	Sheats.
Gibson.	Shirley.
Graves.	Simmons.
Gray.	Sinks.
Hagaman.	Smith of El Paso.
Hall.	Smith of Nueces.
Harding.	Smith of Smith.
High.	Smyth.
Hogg.	Snelgrove.
Holder.	Stell.
Holland.	Stout.
Jacks.	Sutton.
Johnson.	Taylor.
Jones.	Teer.
Kayton.	Tillotson.
Kenyon.	Veatch.
Kincaid.	Waddell.
King of Hopkins.	Wallace
Kirby.	of Freestone.
Kirkland.	Wallace of Panola.
Land.	Wallace of Smith.
Loftin.	Ware.
Long.	Wassell.
McCombs.	Webb.
McGill.	Wells.
McKean.	Whitaker.
Merritt.	Williams
Montgomery.	of Sabine.
Morse.	Williams
Moursund.	of Travis.
Murphy.	Woodall.
Nabors.	Woodruff.
Nicholson.	

Nays—8.

Barnett.	Smith of Atascosa.
Black.	Turner.
Finlay.	Van Zandt.
Kennedy.	Walker.

Absent.

Avis.	Keeton.
Bonham.	Kemble.
Cox.	Lipscomb.
Cummings.	Loy.
Daniel.	Minor.
Davis.	Pavlica.
Dunlap.	Powell.
Duvall.	Runge.
Eickenroht.	Stevenson.
Gates.	Storey.
Gilbert.	Swain.
Harman.	Williamson.
Hefley.	Young.
Hornaday.	

Absent—Excused.

Anderson.	King of
Denman.	Throckmorton.
Justice.	Masterson.
Kinnear.	

HOUSE BILL NO. 492 ON SECOND READING.

On motion of Mr. Bonham, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 492, A bill to be entitled "An Act amending Articles 2237, 2239 and 2243 of Chapter 11 of the Revised Civil Statutes of the State of Texas of 1925, prescribing the rules for the preparation and filing of bills of exception and statement of facts, by adding a new subdivision to Article 2237, providing that under certain conditions bills of exception shall not be necessary, and by amending Article 2239 so as to provide that it shall not be necessary to prepare a statement of facts in the narrative form; by amending Article 2234, providing that it shall not be necessary for a statement of facts to be reduced to narrative form."

The Speaker laid the bill before the House and it was read second time.

Mr. Bonham offered the following amendment to the bill:

Amend House bill No. 492, page 2, line 11, by striking out the word "not."

Amend House bill No. 492, page 1, line 30, by inserting after the word "committed," the following:

"Errors relied upon for reversal must be set forth in motion for new trial, when such motion is filed, and otherwise in assignments of error, and objections and exceptions in the record may be referred to in lieu of formal bills of exception."

(Pending consideration of the amendments, Mr. Dielmann occupied the chair temporarily.)

The amendments were severally adopted.

House bill No. 492 was then passed to engrossment.

HOUSE BILL NO. 492 ON THIRD READING.

Mr. Bonham moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 492 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110.

Mr. Speaker.	Kirkland.
Acker.	Loftin.
Alexander.	Long.
Bass.	Loy.
Bateman.	McCombs.
Bird.	McGill.
Boggs.	McKean.
Bonham.	Merritt.
Boon.	Minor.
Branch.	Morse.
Brown.	Moursund.
Conway.	Murphy.
Cornwell.	Nabors.
Cox.	Nicholson.
Cummings.	Parish of Runnels.
Daniel.	Parrish of Travis.
Davis.	Pavlica.
DeBerry.	Pearce.
Denman.	Petsch.
Dielmann.	Poage.
Enderby.	Pope.
Farrar.	Purl.
Finlay.	Ramsey.
Fly.	Rawlins.
Forbes.	Reagan.
Foster.	Renfro
Fuchs.	of Angelina.
Gibson.	Renfro of Mills.
Gilbert.	Rogers of Hays.
Graves.	Rogers of Shelby.
Gray.	Rowell.
Hagaman.	Runge.
Hall.	Sanders.
Harding.	Shaver.
Hefley.	Shearer.
High.	Shirley.
Hogg.	Simmons.
Hornaday.	Sinks.
Jacks.	Smith of Atascosa.
Johnson.	Smith of El Paso.
Jones.	Smith of Nueces.
Kayton.	Smith of Smith.
Kenyon.	Smyth.
Kincaid.	Snelgrove.
King of Hopkins.	Stell.
Kirby.	Stout.

Swain.	Ware.
Taylor.	Wassell.
Teer.	Webb.
Tillotson.	Wells.
Turner.	Williams
Van Zandt.	of Sabine.
Veatch.	Williams
Waddell.	of Travis.
Walker.	Williamson.
Wallace	Woodall.
of Freestone.	Woodruff.
Wallace of Smith.	Young.

Nays—7.

Albritton.	Kennedy.
Barnett.	Land.
Black.	Olsen.
Holder.	

Absent.

Avis.	Masterson.
Barron.	Montgomery.
Beck.	Pool.
Dunlap.	Porter.
Duvall.	Powell.
Eickenroht.	Satterwhite.
Faulk.	Sheats.
Gates.	Stevenson.
Harman.	Storey.
Holland.	Sutton.
Keeton.	Wallace of Panola.
Kemble.	Whitaker.
Lipscomb.	

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
Kinnear.	

The Speaker then laid House bill No. 492 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—121.

Mr. Speaker.	DeBerry.
Acker.	Denman.
Albritton.	Dielmann.
Alexander.	Enderby.
Barron.	Farrar.
Bass.	Finlay.
Bateman.	Fly.
Bird.	Forbes.
Boggs.	Foster.
Bonham.	Fuchs.
Boon.	Gibson.
Branch.	Gilbert.
Brown.	Graves.
Conway.	Gray.
Cornwell.	Hagaman.
Cox.	Hall.
Cummings.	Harding.
Daniel.	Hefley.
Davis.	High.

Hogg.	Rowell.
Hornaday.	Runge.
Jacks.	Sanders.
Johnson.	Shaver.
Kayton.	Shearer.
Keeton.	Shirley.
Kenyon.	Simmons.
Kincaid.	Sinks.
King of Hopkins.	Smith of Atascosa.
Kirby.	Smith of El Paso.
Kirkland.	Smith of Nueces.
Land.	Smith of Smith.
Loftin.	Smyth.
Long.	Snelgrove.
Loy.	Stell.
McCombs.	Stout.
McGill.	Swain.
McKean.	Taylor.
Merritt.	Teer.
Minor.	Tillotson.
Morse.	Turner.
Moursund.	Van Zandt.
Murphy.	Veatch.
Nabors.	Waddell.
Nicholson.	Walker.
Olsen.	Wallace
Parish of Runnels.	of Freestone.
Parrish of Travis.	Wallace of Smith.
Pavlica.	Ware.
Pearce.	Wassell.
Petsch.	Webb.
Poage.	Wells.
Pope.	Whitaker.
Purl.	Williams
Ramsey.	of Sabine.
Rawlins.	Williams
Reagan.	of Travis.
Renfro	Williamson.
of Angelina.	Woodall.
Renfro of Mills.	Woodruff.
Rogers of Hays.	Young.
Rogers of Shelby.	

Nays—3.

Barnett.	Jones.
Holder.	

Present—Not Voting.

Black.	Kennedy.
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Absent.

Avis.	Masterson.
Beck.	Montgomery.
Dunlap.	Pool.
Duvall.	Porter.
Eickenroht.	Powell.
Faulk.	Satterwhite.
Gates.	Sheats.
Harman.	Stevenson.
Holland.	Storey.
Kemble.	Sutton.
Lipscomb.	Wallace of Panola.

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
	Kinnear.

HOUSE BILL NO. 226 ON SECOND READING.

On motion of Mr. Farrar, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 226, A bill to be entitled "An Act providing that any teacher holding a valid certificate classified as an 'Elementary Permanent Certificate' or 'High School Permanent Certificate,' under Article 2885, Revised Civil Statutes of 1925, shall be authorized to teach any subject in any common school or high school in this State, which subject such teacher was required to pass in order to acquire such certificate; and authorizing such teacher to contract as teacher, principal, superintendent, or other position to which he or she may be assigned, by the trustees or other governing body for all grades or subjects covered by his or her certificate, and receive the pay authorized by law for the grades or subjects contracted to be taught; directing how such subjects shall be determined; and providing that no discrimination shall be made between certificates acquired by examination and those through attendance at teachers' colleges; repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Farrar offered the following (committee) amendment to the bill:

Amend House bill No. 226 by adding after the phrase "Elementary Permanent Certificate," in line 2, page 1, after the enacting clause the following words: "built upon a temporary first grade certificate."

Mr. Farrar offered the following substitute for the (committee) amendment:

Amend House bill No. 226 by substituting for (committee) amendment as follows:

Amend House bill No. 226 by adding after the phrase "Elementary Permanent Certificate," in line 2, page 1, after the enacting clause the following words: "built upon a temporary high school certificate or first grade certificate."

The substitute amendment was adopted.

Question then recurring on the amendment as submitted, it was adopted.

House bill No. 226 was then passed to engrossment.

HOUSE BILL NO. 226 ON THIRD
READING.

Mr. Farrar moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 226 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—98.

Mr. Speaker.	Morse.
Avis.	Murphy.
Barron.	Nabors.
Bass.	Nicholson.
Bateman.	Parish of Runnels.
Bird.	Parrish of Travis.
Black.	Pavlica.
Boggs.	Pearce.
Bonham.	Poage.
Boon.	Pope.
Brown.	Purl.
Conway.	Ramsey.
Cornwell.	Reagan.
Cox.	Renfro
Cummings.	of Angelina.
Davis.	Renfro of Mills.
DeBerry.	Rogers of Hays.
Dielmann.	Rogers of Shelby.
Duvall.	Rowell.
Enderby.	Runge.
Farrar.	Sanders.
Finlay.	Shearer.
Fly.	Shirley.
Forbes.	Simmons.
Fuchs.	Sinks.
Gibson.	Smith of Atascosa.
Gilbert.	Smith of Nueces.
Graves.	Smith of Smith.
Gray.	Snelgrove.
Hagaman.	Stell.
Hall.	Stout.
Hefley.	Swain.
High.	Tillotson.
Hogg.	Turner.
Holder.	Van Zandt.
Holland.	Veatch.
Jacks.	Waddell.
Johnson.	Walker.
Jones.	Wallace
Kayton.	of Freestone.
Kennedy.	Wallace of Smith.
Kenyon.	Ware.
Kincaid.	Wassell.
King of Hopkins.	Webb.
Kirby.	Williams
Land.	of Sabine.
Loftin.	Williams
Loy.	of Travis.
McGill.	Williamson.
Merritt.	Woodall.
Minor.	Young.

Nays—13.

Albritton. Barnett.

Hornaday.
Long.
McCombs.
Olsen.
Rawlins.
Shaver.

Smith of El Paso.
Taylor.
Teer.
Wells.
Woodruff.

Absent.

Acker.
Alexander.
Beck.
Branch.
Daniel.
Denman.
Dunlap.
Eickenroht.
Faulk.
Foster.
Gates.
Harding.
Harman.
Keeton.
Kemble.
Kirkland.
Lipscomb.

Masterson.
McKean.
Montgomery.
Moursund.
Petsch.
Pool.
Porter.
Powell.
Satterwhite.
Sheats.
Smyth.
Stevenson.
Storey.
Sutton.
Wallace of Panola.
Whitaker.

Absent—Excused.

Anderson.
Justice.
Kinnear.

King of
Throckmorton.

The Speaker then laid House bill No. 226 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—101.

Mr. Speaker.
Albritton.
Avis.
Barron.
Bass.
Bateman.
Bird.
Black.
Boggs.
Bonham.
Boon.
Brown.
Conway.
Cornwell.
Cox.
Cummings.
Daniel.
Davis.
DeBerry.
Denman.
Dielmann.
Duvall.
Enderby.
Farrar.
Finlay.
Fly.
Forbes.
Fuchs.

Gibson.
Gilbert.
Graves.
Gray.
Hagaman.
Hall.
Hefley.
High.
Hogg.
Holder.
Holland.
Jacks.
Johnson.
Kayton.
Keeton.
Kennedy.
Kenyon.
Kincaid.
King of Hopkins.
Land.
Loy.
McGill.
McKean.
Merritt.
Minor.
Murphy.
Nabors.
Nicholson.

Olsen.	Snelgrove.
Parish of Runnels.	Stell.
Pavlica.	Stout.
Pearce.	Swain.
Poage.	Tillotson.
Pope.	Turner.
Ramsey.	Van Zandt.
Reagan.	Veatch.
Renfro	Waddell.
of Angelina.	Walker.
Renfro of Mills.	Wallace
Rogers of Hays.	of Freestone.
Rogers of Shelby.	Wallace of Smith.
Rowell.	Ware.
Rynga.	Wassell.
Sanders.	Webb.
Shearer.	Whitaker.
Shirley.	Williams
Simmons.	of Sabine
Sinks.	Williams
Smith of Atascosa.	of Travis.
Smith of El Paso.	Williamson.
Smith of Nueces.	Woodall.
Smith of Smith.	Young.

Nays—12.

Barnett.	Rawlins.
Hornaday.	Shaver.
Long.	Taylor.
McCombs.	Teer.
Moursund.	Wells.
Purl.	Woodruff.

Present—Not Voting.

Jones.	Parrish of Travis.
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Absent.

Acker.	Loftin.
Alexander.	Masterson.
Beck.	Montgomery.
Branch.	Morse.
Dunlap.	Petsch.
Eickenroht.	Pool.
Faulk.	Porter.
Foster.	Powell.
Gates.	Satterwhite.
Harding.	Sheats.
Harman.	Smyth.
Kemble.	Stevenson.
Kirby.	Storey.
Kirkland.	Sutton.
Lipscomb.	Wallace of Panola.

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
	Kinnear.

SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time and

referred to the appropriate committees as follows:

S. B. No. 253, to the Committee on Insurance.

S. B. No. 447, to the Judiciary Committee.

S. B. No. 464, to the Committee on Banks and Banking.

S. B. No. 473, to the Committee on Appropriations.

RECESS.

On motion of Mr. DeBerry, the House, at 12:15 o'clock p. m., took recess to 2 o'clock p. m. today.

AFTERNOON SESSION.

The House met at 2 o'clock p. m. and was called to order by the Speaker.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Hornaday, Senate bill No. 447 was ordered not printed.

On motion of Mr. Walker, House bill No. 494 was ordered not printed.

On motion of Mr. McKean, House bill No. 653 was ordered not printed.

COMMUNICATION FROM MRS. W. M. DICKINSON.

The Speaker laid before the House and had read the following communication:

Austin, Texas, March 7, 1927.

House of Representatives: Gratefully acknowledging and thanking you for your kind expression of sympathy.

MRS. W. M. DICKINSON
AND FAMILY.

HOUSE BILL NO. 303 ON SECOND READING.

On motion of Mr. Faulk, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 303, A bill to be entitled "An Act to amend Article 3135 of the Revised Civil Statutes of 1925, relating to returns to be made by county clerks for district offices in districts composed of only one county, and repealing laws or parts of laws in conflict therewith."

The Speaker laid the bill before the House and it was read second time.

Mr. Faulk offered the following amendment to the bill:

Amend by adding a new section as follows:

"Section 3. The fact that the calendar is now badly crowded and the further fact that the Regular Session is now nearing a close constitutes an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days in each house and said rule is hereby suspended and this act shall take effect and be in force from and after its passage."

The amendment was adopted.

House bill No. 303 was then passed to engrossment.

HOUSE BILL NO. 303 ON THIRD READING.

Mr. Faulk moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 303 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—112.

Mr. Speaker.	Hagaman.
Avis.	Hall.
Barnett.	Harding.
Barron.	High.
Bass.	Hogg.
Bateman.	Holder.
Beck.	Holland.
Bird.	Hornaday.
Black.	Jacks.
Boggs.	Johnson.
Bonham.	Keeton.
Branch.	Kennedy.
Brice.	Kenyon.
Brown.	Kincaid.
Conway.	King of Hopkins.
Cornwell.	Kirby.
Cox.	Kirkland.
Daniel.	Land.
DeBerry.	Lipscomb.
Denman.	Long.
Dunlap.	Masterson.
Duvall.	McGill.
Enderby.	McKean.
Eickenroht.	Merritt.
Farrar.	Morse.
Faulk.	Murphy.
Finlay.	Nabors.
Fly.	Nicholson.
Forbes.	Olsen.
Fuchs.	Parish of Runnels.
Gibson.	Pavlica.
Gilbert.	Pearce.
Graves.	Petsch.
Gray.	Poage.

Pope.	Swain.
Porter.	Taylor.
Purl.	Tillotson.
Ramsey.	Turner.
Rawlins.	Van Zandt.
Reagan.	Veatch.
Renfro.	Waddell.
of Angelina.	Walker.
Renfro of Mills.	Wallace.
Rogers of Hays.	of Freestone.
Rogers of Shelby.	Wallace of Smith.
Rowell.	Ware.
Sanders.	Wassell.
Satterwhite.	Webb.
Shearer.	Wells.
Sheats.	Whitaker.
Shirley.	Williams.
Sinks.	of Sabine.
Smith of Nueces.	Williams.
Smith of Smith.	of Travis.
Snelgrove.	Woodall.
Stell.	Woodruff.
Storey.	Young.

Nays—1.

Albritton.

Absent.

Acker.	Moursund.
Alexander.	Parrish of Travis.
Boon.	Pool.
Cummings.	Powell.
Davis.	Runge.
Dielmann.	Shaver.
Gates.	Simmons.
Harman.	Smith of Atascosa.
Hefley.	Smith of El Paso.
Jones.	Smyth.
Kayton.	Stevenson.
Kemble.	Stout.
Loftin.	Sutton.
Loy.	Teer.
McCombs.	Wallace of Panola.
Minor.	Williamson.
Montgomery.	

Absent—Excused.

Anderson.	King of
Foster.	Throckmorton.
Justice.	Kinnear.

The Speaker then laid House bill No. 303 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—112.

Mr. Speaker.	Bass.
Albritton.	Bateman.
Avis.	Beck.
Barnett.	Black.
Barron.	Boggs.

Bonham.	Olsen.
Boon.	Parish of Runnels.
Brown.	Pavlica.
Brice.	Pearce.
Conway.	Petsch.
Cornwell.	Poage.
Cox.	Pope.
Davis.	Porter.
DeBerry.	Purl.
Dunlap.	Ramsey.
Duvall.	Rawlins.
Enderby.	Reagan.
Eickenroht.	Renfro
Farrar.	of Angelina.
Faulk.	Renfro of Mills.
Finlay.	Rogers of Hays.
Fly.	Rogers of Shelby.
Forbes.	Sanders.
Fuchs.	Satterwhite.
Gibson.	Shaver.
Gilbert.	Sheats.
Graves.	Shirley.
Gray.	Sinks.
Hagaman.	Smith of Atascosa.
Hall.	Smith of Nueces.
Harding.	Smith of Smith.
High.	Snelgrove.
Hogg.	Stell.
Holder.	Storey.
Holland.	Swain.
Hornaday.	Taylor.
Jacks.	Tillotson.
Johnson.	Turner.
Jones.	Van Zandt.
Keeton.	Veatch.
Kemble.	Waddell.
Kennedy.	Walker.
Kenyon.	Wallace
Kincaid.	of Freestone.
King of Hopkins.	Wallace of Panola.
Kirby.	Ware.
Kirkland.	Wassell.
Land.	Webb.
Lipscomb.	Wells.
Long.	Whitaker.
Loy.	Williams
Masterson.	of Sabine.
McGill.	Williams
McKean.	of Travis.
Merritt.	Woodall.
Morse.	Woodruff.
Murphy.	Young.
Nabors.	

Nays—1.

McCombs.

Present—Not Voting.

Bird.	Nicholson.
Denman.	Rowell.

Absent.

Acker.	Daniel.
Alexander.	Dielmann.
Branch.	Gates.
Cummings.	Harman.

Hefley.	Shearer.
Kayton.	Simmons.
Loftin.	Smith of El Paso.
Minor.	Smyth.
Montgomery.	Stevenson.
Moursund.	Stout.
Parrish of Travis.	Sutton.
Pool.	Teer.
Powell.	Williamson.
Runge.	

Absent—Excused.

Anderson.	King of
Foster.	Throckmorton.
Justice.	Kinnear.

MESSAGE FROM THE GOVERNOR.

Mr. Carl L. Phinney, Assistant Secretary to the Governor, appeared at the bar of the House and, being duly announced, presented the following message from the Governor, which was read to the House, as follows:

Executive Office, March 9, 1927.

To the Honorable Fortieth Legislature of Texas:

Gentlemen: The original system of taxation employed in this State for the raising of revenue has been found insufficient to supply the needed revenue, and from time to time has been patched by the passage of additional tax measures. The demand for additional taxation has attended the growth of the population of the State and the assuming of new activities of government. As these conditions have been presented the Legislature has been forced to look about for additional sources of supply for needed revenue. The existing system of taxation is more or less a matter of patch work on the original system designed to supply the needed revenues for the support of the government, and has been built up with more regard for practical expediency to meet various emergencies than for a system which would provide for a scientific and just distribution of the burdens of government. In addition, our taxes are collected and paid into the treasury at great expense, which falls upon the tax-paying public and amounts to a net loss to the State. Our taxes should be so levied that the burden will fall equally and uniformly upon the citizenship of the State. At any rate such is the ultimate end of a taxing system in a republic.

You have made provision for an investigation of taxable resources in this State by a committee of citizens and ex-

perts. The committee will doubtless make a thorough survey, and will make a report embracing the nature of its survey and its recommendations for improvements. The possibility of improvement and the success of the whole venture very largely depends upon whether or not the present limitations upon the power of the Legislature will permit the enactment of remedial laws for the improvement and modernization of the system.

A resolution was introduced in the House and is now before the Senate that is designed to make possible improvements in the system. It is not intended to increase taxes, but on the contrary to equalize taxes according to better standards of ability to support the government. It is not intended to work a hardship on any citizen, person or class of citizens or persons, but to work a benefit and an improvement for the whole body of our society. It does not tend toward extravagance, but rather toward economy. Its provisions do not place mandates upon the Legislature, but by the removal of limitations it gives the Legislature power to make improvements through the enactment of remedial legislation, if the Legislature in its wisdom and discretion shall see proper to take advantage of such powers.

Some suggestion has been made that it contemplates the levy of a State income tax. The suggestion is in error, and an income tax is not within the purview or contemplation of the resolution. It makes no mention or suggestion of such tax. For approximately a half century our Constitution has permitted the levy of an income tax, but the Legislature has never seen fit to impose such a tax; and the pending resolution does not in any particular change the existing law or condition of things on that matter. Neither is it designed to change such law or condition.

There are certain amendments that can be wisely made to the pending resolution, and these have been agreed upon between the author of the resolution, members of the Legislature interested in the resolution and the writer; and will be offered. These are designed to simplify its language. So far as I know all who have examined these amendments agree that they should be adopted. They continue the existing constitutional safeguard against higher taxation by preserving the existing limits of taxation.

The purpose of the resolution is wholesome. Under its provisions it will be possible for the Legislature to equalize the burdens of government. A

just government is a fair government, and to fairness and justness in government it is essential and necessary that the burden of government fall evenly upon the citizenship.

I most respectfully urge the merit of the proposition and submit these views in the hope that you may be encouraged to submit the question to the people, and give them an opportunity to place in the hands of their representatives the power to improve their condition.

Respectfully submitted,

DAN MOODY,

Governor of Texas.

INVITATION TO ATTEND FRANKLIN-WEBSTER CLUB BANQUET.

Mr. Holder of Dallas, Secretary of the Franklin-Webster Club, extended an invitation to the Speaker and his wife, the Speaker's secretary and members of the House and their wives to attend a dinner of the Franklin-Webster Club, with Mr. Harry Seay of Dallas as host, to be given on the Roof Garden of the Stephen F. Austin Hotel on Thursday, March 10.

The House unanimously accepted the invitation.

HOUSE BILL NO. 491 ON SECOND READING.

On motion of Mr. Conway, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment.

H. B. No. 491, A bill to be entitled "An Act authorizing county boards of school trustees to make provision for the prompt payment of teachers' salaries by authorizing county depository banks to charge interest on vouchers from the date of issuance until their liquidation; authorizing the county boards to require depository banks to make financial reports as to resources and needs of school districts; repealing all laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Conway offered the following amendment to the bill:

Amend House bill No. 491 by striking out all below the enacting clause and insert in lieu thereof the following:

"Section 1. That county boards of school trustees of the various counties of Texas shall, on September 1st of each year, or as soon thereafter as practicable, ascertain the current financial re-

sources of each school district under their supervision, and in the event any of said districts do not or will not have sufficient funds on deposit to pay the salaries of teachers when and as due, authorize the depository bank of the county to charge interest at a rate to be agreed upon by said depository and said trustees, which rate shall not exceed eight per cent per annum on vouchers issued to teachers from the date of the receipt by said depository until sufficient funds accrue to the credit of the district issuing said vouchers to liquidate the respective vouchers, the said interest to be paid from the available funds of the district affected; provided that no voucher shall draw interest after sufficient funds have accrued in the depository for its payment, and provided further that the vouchers on which the interest is to be charged shall not exceed in amount fifty per cent of the current available funds of the district issuing said vouchers. And in order to enable the county board of trustees to make provision for paying teachers' salaries when due as provided for herein, the depository bank shall, on the request of the county board of trustees, furnish the county board with a report of the funds to the credit of the various school districts, and of the financial needs of said districts; and the financial statement of the said depository bank made at the close of the scholastic year to the State Superintendent of Public Instruction shall include full reports of all interest charged under the provisions of this act.

"Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

"Sec. 3. The crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted.

Mr. Conway offered the following amendment to the bill:

Amend House bill No. 491 by striking out all above the enacting clause and insert the following:

"An Act authorizing county boards of school trustees to make provision for the prompt payment of teachers' salaries by authorizing the county depository banks to charge interest on vouchers from the date of receipt by said banks

until their liquidation; authorizing the county board to direct depository banks to make financial reports as to resources and needs of school districts; repealing all laws in conflict herewith, and declaring an emergency."

The amendment was adopted.

House bill No. 491 was then passed to engrossment.

HOUSE BILL NO. 491 ON THIRD READING.

Mr. Conway moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 491 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—121.

Mr. Speaker.	Johnson.
Alexander.	Jones.
Barnett.	Kayton.
Barron.	Keeton.
Bass.	Kemble.
Bateman.	Kennedy.
Beck.	Kenyon.
Black.	Kincaid.
Boggs.	King of Hopkins.
Bonham.	Kirby.
Branch.	Kirkland.
Brice.	Land.
Brown.	Lipcomb.
Conway.	Long.
Cornwell.	Loy.
Cummings.	Masterson.
Daniel.	McGill.
Davis.	McKean.
DeBerry.	Merritt.
Denman.	Minor.
Dunlap.	Morse.
Duvall.	Moursund.
Enderby.	Murphy.
Eickenroht.	Nabors.
Farrar.	Nicholson.
Faulk.	Pavlica.
Finlay.	Pearce.
Fly.	Petsch.
Forbes.	Poage.
Fuchs.	Pool.
Gibson.	Pope.
Gilbert.	Porter.
Graves.	Powell.
Gray.	Purl.
Hagaman.	Ramsey.
Hall.	Rawlins.
Harding.	Reagan.
Harman.	Renfro
Hefley.	of Angelina.
High.	Renfro of Mills.
Hogg.	Rogers of Hays.
Holder.	Rogers of Shelby.
Holland.	Rowell.
Jacks.	Runge.

Sanders.	Veatch.
Satterwhite.	Waddell.
Shaver.	Walker.
Shearer.	Wallace
Sheats.	of Freestone.
Shirley.	Wallace of Panola.
Sinks.	Wallace of Smith.
Smith of El Paso.	Ware.
Smith of Nueces.	Webb.
Smith of Smith.	Wells.
Snelgrove.	Whitaker.
Stell.	Williams
Storey.	of Sabine.
Sutton.	Williams
Swain.	of Travis.
Taylor.	Williamson.
Tillotson.	Woodall.
Turner.	Young.
Van Zandt.	

Nays—3.

Albritton.	Stout.
Olsen.	

Absent.

Acker.	Montgomery.
Avis.	Parish of Runnels.
Bird.	Parrish of Travis.
Boon.	Simmons.
Cox.	Smith of Atascosa.
Dielmann.	Smyth.
Gates.	Stevenson.
Hornaday.	Teer.
Loftin.	Wassell.
McCombs.	Woodruff.

Absent—Excused.

Anderson.	King of
Foster.	Throckmorton.
Justice.	Kinnear.

The Speaker then laid House bill No. 491 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—119.

Mr. Speaker.	Davis.
Acker.	DeBerry.
Albritton.	Denman.
Alexander.	Dielmann.
Barnett.	Dunlap.
Barron.	Duvall.
Bass.	Enderby.
Bateman.	Eickenroht.
Beck.	Farrar.
Black.	Faulk.
Boggs.	Finlay.
Bonham.	Fly.
Branch.	Forbes.
Brown.	Fuchs.
Conway.	Gibson.
Cornwell.	Gilbert.
Cummings.	Graves.
Daniel.	Hagaman.

Hall.	Renfro of Mills.
Harding.	Rogers of Hays.
Harman.	Rogers of Shelby.
Hefley.	Rowell.
High.	Runge.
Hogg.	Sanders.
Holder.	Satterwhite.
Jacks.	Shaver.
Johnson.	Shearer.
Jones.	Sheats.
Kayton.	Shirley.
Keeton.	Sinks.
Kemble.	Smith of El Paso.
Kennedy.	Smith of Nueces.
Kenyon.	Smith of Smith.
Kincaid.	Snelgrove.
King of Hopkins.	Stell.
Land.	Storey.
Long.	Sutton.
Loy.	Swain.
Masterson.	Taylor.
McCombs.	Tillotson.
McGill.	Turner.
McKean.	Van Zandt.
Merritt.	Veatch.
Minor.	Waddell.
Moursund.	Walker.
Murphy.	Wallace
Nabors.	of Freestone.
Pavlica.	Wallace of Panola.
Pearce.	Ware.
Poage.	Wassell.
Pool.	Webb.
Pope.	Wells.
Porter.	Whitaker.
Powell.	Williams
Purl.	of Sabine.
Ramsey.	Williams
Rawlins.	of Travis.
Reagan.	Williamson.
Renfro	Woodall.
of Angelina.	Young.

Nays—2.

Boon.	Kirkland.
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Absent.

Avis.	Nicholson.
Bird.	Olsen.
Cox.	Parish of Runnels.
Gates.	Parrish of Travis.
Gray.	Petsch.
Holland.	Simmons.
Hornaday.	Smith of Atascosa.
Kirby.	Smyth.
Lipscomb.	Stevenson.
Loftin.	Stout.
Montgomery.	Teer.
Morse.	Woodruff.

Absent—Excused.

Anderson.	King of
Foster.	Throckmorton.
Justice.	Kinnear.

(Mr. Fly in the chair.)

PROVIDING FOR ADJOURNMENT
SINE DIE.

Mr. Woodall moved to take up, for consideration at this time, House concurrent resolution No. 29, relating to adjournment sine die, which resolution had heretofore been read second time and laid on the table subject to call.

The motion prevailed.

The Speaker then laid before the House House concurrent resolution No. 29, relative to adjournment sine die.

Mr. Williamson offered the following amendment to the resolution:

Change the date of adjournment to "Wednesday, March 16th, 12 noon."

Mr. Morse offered the following substitute for the amendment:

Amend House concurrent resolution No. 29 by changing date to "Thursday, the 17th, at 12 noon."

Mr. Finlay moved to table the substitute amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—76.

Acker.	Kenyon.
Albritton.	Kincaid.
Alexander.	King of Hopkins.
Avis.	Kirby.
Barnett.	Kirkland.
Bass.	Land.
Bird.	Loftin.
Black.	Long.
Boggs.	Masterson.
Bonham.	McGill.
Boon.	Merritt.
Brice.	Nicholson.
Conway.	Olsen.
Cornwell.	Parish of Runnels.
Cummings.	Pavlica.
Davis.	Pearce.
DeBerry.	Poage.
Denman.	Pope.
Enderby.	Powell.
Faulk.	Purl.
Finlay.	Renfro
Forbes.	of Angelina.
Gates.	Renfro of Mills.
Gibson.	Rowell.
Gilbert.	Sheats.
Gray.	Simmons.
Hall.	Sinks.
Harding.	Smith of Smith.
High.	Snelgrove.
Holder.	Stell.
Jacks.	Storey.
Johnson.	Taylor.
Jones.	Tillotson.
Kemble.	Veatch.
Kennedy.	Wallace of Panola.

Wallace of Smith.	Williams
Ware.	of Sabine.
Webb.	Williams
Whitaker.	of Travis.
	Woodall.

Nays—63.

Mr. Speaker.	Nabors.
Barron.	Parrish of Travis.
Bateman.	Petsch.
Beck.	Porter.
Branch.	Ramsey.
Brown.	Rawlins.
Cox.	Reagan.
Daniel.	Rogers of Hays.
Dunlap.	Rogers of Shelby.
Duvall.	Runge.
Eickenroht.	Sanders.
Farrar.	Satterwhite.
Fly.	Shaver.
Foster.	Shearer.
Fuchs.	Shirley.
Graves.	Smith of El Paso.
Hagaman.	Smith of Nueces.
Harman.	Smyth.
Hefley.	Stout.
Hogg.	Sutton.
Holland.	Swain.
Hornaday.	Teer.
Keeton.	Turner.
Lipscomb.	Van Zandt.
Loy.	Waddell.
McCombs.	Walker.
McKean.	Wallace
Minor.	of Freestone.
Montgomery.	Wassell.
Morse.	Williamson.
Moursund.	Woodruff.
Murphy.	Young.

Absent.

Dielmann.	Smith of Atascosa.
Kayton.	Stevenson.
Pool.	Wells.

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
	Kinnear.

Question then recurring on the amendment by Mr. Williamson, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—77.

Mr. Speaker.	Davis.
Barron.	Dunlap.
Beck.	Duvall.
Branch.	Enderby.
Brown.	Eickenroht.
Conway.	Farrar.
Cornwell.	Fly.
Cox.	Foster.

Fuchs.	Rogers of Shelby.
Gilbert.	Runge.
Graves.	Sanders.
Gray.	Satterwhite.
Hagaman.	Shaver.
Harding.	Shearer.
Harman.	Shirley.
Hefley.	Smith of El Paso.
Hogg.	Smith of Nueces.
Holder.	Smyth.
Holland.	Snelgrove.
Hornaday.	Stout.
Jacks.	Sutton.
Keeton.	Swain.
Kemble.	Taylor.
Kenyon.	Teer.
Loy.	Tillotson.
McCombs.	Turner.
McGill.	Van Zandt.
McKean.	Veatch.
Montgomery.	Waddell.
Morse.	Walker.
Moursund.	Wallace
Murphy.	of Freestone.
Nabors.	Wallace of Smith.
Nicholson.	Wassell.
Parrish of Travis.	Webb.
Petsch.	Williams
Porter.	of Travis.
Reagan.	Williamson.
Renfro	Woodruff.
of Angelina.	Young.
Rogers of Hays.	

Nays—59.

Acker.	Land.
Albritton.	Lipscomb.
Alexander.	Loftin.
Avis.	Long.
Barnett.	Masterson.
Bass.	Merritt.
Bateman.	Olsen.
Bird.	Pavlica.
Black.	Pearce.
Boggs.	Poage.
Bonham.	Pool.
Boon.	Pope.
Brice.	Powell.
Cummings.	Purl.
Daniel.	Ramsey.
DeBerry.	Rawlins.
Denman.	Renfro of Mills.
Faulk.	Rowell.
Finlay.	Sheats.
Forbes.	Simmons.
Gates.	Smith of Smith.
Gibson.	Sinks.
Hall.	Stell.
High.	Storey.
Johnson.	Wallace of Panola.
Jones.	Ware.
Kennedy.	Whitaker.
Kincaid.	Williams
King of Hopkins.	of Sabine.
Kirby.	Woodall.
Kirkland.	

Absent.

Dielmann.	Smith of Atascosa.
Kayton.	Stevenson.
Minor.	Wells.
Parish of Runnels.	

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
	Kinnear.

Question then recurring on the resolution, as amended, yeas and nays were demanded.

The resolution, as amended, was adopted by the following vote:

Yeas—82.

Mr. Speaker.	Nicholson.
Barron.	Parrish of Travis.
Beck.	Petsch.
Branch.	Pool.
Brown.	Pope.
Conway.	Porter.
Cornwell.	Rawlins.
Cox.	Reagan.
Daniel.	Renfro
Davis.	of Angelina.
Dunlap.	Rogers of Hays.
Duvall.	Rogers of Shelby.
Enderby.	Runge.
Eickenroht.	Sanders.
Farrar.	Satterwhite.
Fly.	Shaver.
Foster.	Shearer.
Fuchs.	Shirley.
Gilbert.	Simmons.
Graves.	Sinks.
Gray.	Smith of El Paso.
Hagaman.	Smith of Nueces.
Harding.	Smith of Smith.
Harman.	Smyth.
Hefley.	Snelgrove.
Hogg.	Stout.
Holder.	Sutton.
Holland.	Taylor.
Hornaday.	Teer.
Jacks.	Tillotson.
Keeton.	Turner.
Kemble.	Veatch.
Kenyon.	Waddell.
Loy.	Walker.
McCombs.	Wassell.
McGill.	Webb.
Minor.	Williams
Montgomery.	of Travis.
Morse.	Williamson.
Moursund.	Woodruff.
Murphy.	Young.
Nabors.	

Nays—55.

Acker.	Avis.
Albritton.	Barnett.
Alexander.	Bass.

Bird.	Long.
Black.	Masterson.
Boggs.	McKean.
Bonham.	Merritt.
Boon.	Loftin.
Brice.	Pavlica.
Cummings.	Pearce.
DeBerry.	Poage.
Denman.	Powell.
Faulk.	Purl.
Finlay.	Ramsey.
Forbes.	Renfro of Mills.
Gibson.	Rowell.
Hall.	Sheats.
High.	Stell.
Johnson.	Storey.
Jones.	Swain.
Kennedy.	Van Zandt.
Kincaid.	Wallace of Panola.
King of Hopkins.	Ware.
Kirby.	Whitaker.
Kirkland.	Williams
Land.	of Sabine.
Lipscomb.	Woodall.
Olsen.	

Absent.

Bateman.	Smith of Atascosa.
Dielmann.	Stevenson.
Gates.	Wallace
Kayton.	of Freestone.
Parish of Runnels.	Wells.

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
	Kinnear.

Mr. Holder moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 525 ON SECOND READING.

On motion of Mr. Brown, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 525, A bill to be entitled "An Act to provide for the fixing of the salary of the Secretary of the Railroad Commission of Texas by the Appropriations Committee from time to time, as the salaries of other State employes are fixed; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

HOUSE BILL NO. 525 ON THIRD READING.

Mr. Williamson moved that the con-

stitutional rule requiring bills to be read on three several days be suspended and that House bill No. 525 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—100.

Mr. Speaker.	McKean.
Acker.	Merritt.
Alexander.	Minor.
Avis.	Moursund.
Barnett.	Murphy.
Barron.	Nabors.
Bass.	Nicholson.
Bateman.	Parrish of Travis.
Black.	Pearce.
Boggs.	Pool.
Bonham.	Pope.
Boon.	Porter.
Branch.	Powell.
Brice.	Purl.
Brown.	Ramsey.
Cornwell.	Rawlins.
Cummings.	Reagan.
Daniel.	Renfro
Davis.	of Angelina.
DeBerry.	Rogers of Hays.
Denman.	Rogers of Shelby.
Dielmann.	Rowell.
Dunlap.	Runge.
Duvall.	Sanders.
Enderby.	Satterwhite.
Eickenroht.	Shaver.
Fly.	Shearer.
Forbes.	Shirley.
Foster.	Simmons.
Fuchs.	Sinks.
Gibson.	Smith of Nueces.
Graves.	Smith of Smith.
Gray.	Smyth.
Hagaman.	Storey.
Hall.	Stout.
Harman.	Swain.
Hefley.	Taylor.
High.	Turner.
Hogg.	Van Zandt.
Holland.	Waddell.
Johnson.	Wallace
Jones.	of Freestone.
Keeton.	Wallace of Panola.
Kemble.	Wassell.
Kenyon.	Webb.
Kincaid.	Whitaker.
King of Hopkins.	Williams
Kirby.	of Sabine.
Kirkland.	Williams
Loy.	of Travis.
Masterson.	Woodall.
McGill.	Young.

Nays—10.

Albritton.	Kennedy.
Farrar.	Loftin.
Finlay.	Long.

Olsen.	Stell.	Pope.	Snelgrove.
Pavlica.	Walker.	Porter.	Stell.
	Absent.	Powell.	Storey.
Beck.	Petsch.	Purl.	Stout.
Bird.	Poage.	Ramsey.	Swain.
Conway.	Renfro of Mills.	Rawlins.	Taylor.
Cox.	Sheats.	Reagan.	Teer.
Faulk.	Smith of Atascosa.	Rogers of Hays.	Turner.
Gates.	Smith of El Paso.	Rogers of Shelby.	Van Zandt.
Gilbert.	Snelgrove.	Rowell.	Veatch.
Harding.	Stevenson.	Runge.	Waddell.
Holder.	Sutton.	Sanders.	Wallace
Hornaday.	Teer.	Satterwhite.	of Freestone.
Jacks.	Tillotson.	Shaver.	Wallace of Panola.
Kayton.	Veatch.	Shearer.	Wallace of Smith.
Land.	Wallace of Smith.	Shirley.	Webb.
Lipscomb.	Ware.	Sinks.	Whitaker.
McCombs.	Wells.	Smith of Nueces.	Williams
Montgomery.	Williamson.	Smith of Smith.	of Sabine.
Morse.	Woodruff.	Smyth.	Woodall.
Parish of Runnels.			Nays—9.
	Absent—Excused.	Black.	Long.
Anderson.	King of	Bonham.	Merritt.
Justice.	Throckmorton.	Farrar.	Walker.
	Kinnear.	Kennedy.	Wassell.
		Loftin.	

Present—Not Voting.

The Speaker then laid House bill No. 525 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—103.

Mr. Speaker.	Hagaman.
Acker.	Hall.
Albritton.	Harman.
Alexander.	Hefley.
Avis.	High.
Barron.	Hogg.
Bass.	Holder.
Bateman.	Holland.
Boggs.	Jacks.
Boon.	Johnson.
Branch.	Jones.
Brice.	Keeton.
Brown.	Kemble.
Cornwell.	Kenyon.
Cummings.	Kincaid.
Daniel.	King of Hopkins.
Davis.	Kirby.
DeBerry.	Kirkland.
Denman.	Loy.
Dielmann.	Masterson.
Duvall.	McCombs.
Enderby.	McGill.
Finlay.	McKean.
Fly.	Minor.
Forbes.	Moursund.
Foster.	Murphy.
Fuchs.	Nabors.
Gibson.	Nicholson.
Gilbert.	Parrish of Travis.
Graves.	Pearce.
Gray.	Pool.

Barnett.

Absent.

Beck.	Poage.
Bird.	Renfro
Conway.	of Angelina.
Cox.	Renfro of Mills.
Dunlap.	Sheats.
Eickenroht.	Simmons.
Faulk.	Smith of Atascosa.
Gates.	Smith of El Paso.
Harding.	Stevenson.
Hornaday.	Sutton.
Kayton.	Tillotson.
Land.	Ware.
Lipscomb.	Wells.
Montgomery.	Williams
Morse.	of Travis.
Olsen.	Williamson.
Parish of Runnels.	Woodruff.
Pavlica.	Young.
Petsch.	

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
	Kinnear.

HOUSE BILL NO. 615 ON SECOND READING.

On motion of Mr. Brown, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 615, A bill to be entitled "An Act amending Article 2839, Revised Statutes of 1925, Section 1, Chap-

ter 176, Acts of the Thirty-ninth Legislature, providing for permanent Text-book Commission for the State of Texas; providing for membership of said board and for their method of appointment; providing for prescribed qualifications of its members; providing for their term of office; providing for the amendment of Article 2840, Section 2, Chapter 176, Acts of the Thirty-ninth Legislature; providing for the filing of affidavits of qualification for said members; providing for the amendment of Article 2842, Revised Statutes of 1925, Section 4, Chapter 176, Acts of the Thirty-ninth Legislature, providing for the continuing and discontinuing of textbooks; providing for the amendment of Article 2846, Revised Statutes of 1925, Section 8, Chapter 176, Acts of the Thirty-ninth Legislature; providing for notices of meetings of said board to be given; providing for the deposit of samples of each book on which bids may be submitted; providing for bids and cash deposits for all publishers making such bids; providing for amendment of Article 2847, Revised Statutes of 1925, Section 9, Chapter 176, Acts of the Thirty-ninth Legislature, providing for the filing of bids therefor f. o. b. at Texas bidders' depository; providing for the filing of affidavits by each bidder; providing for amendment of Article 2849, Section 11, Chapter 176, Acts of the Thirty-ninth Legislature, providing for the submitting for bids in two forms, with or without exchange privileges; providing for the amendment of Article 2852, Revised Statutes of 1925, Section 14, Chapter 176, Acts of the Thirty-ninth Legislature, providing for books to be bought at reduced prices; providing for the exclusive use of State adopted textbooks in the public free schools of the State of Texas for a period of not to exceed six years; providing for the amendment of Article 2871, Revised Statutes of 1925, Section 35, Chapter 176, Acts of the Thirty-ninth Legislature, providing for depositories in the State of Texas."

The Speaker laid the bill before the House and it was read second time.

Mr. Brown offered the following (committee) amendments to the bill:

Amend House bill No. 615, page 10, by adding at the end of the second paragraph, after the word "books," the following: "provided that the State Department of Education should be given authority to direct the route by which books should be shipped."

Amend House bill No. 615, page 6,

by striking out in the last paragraph on said page, beginning with the word "each" and all thereafter down to the first period, and insert in lieu thereof the following: "Each bidder shall file with the secretary of the commission on the day that the commission meets or within the last five (5) days just preceding the date on which such commission meets, an affidavit executed by the individual bidder or a member of the firm or the president and secretary of the corporation bidding which shall set forth all of the facts with reference to the eligibility of the bidder to make a proposal."

The amendments were severally adopted.

Mr. Brown offered the following amendment to the bill:

Amend House bill No. 615, Section 4, page 5, by striking out all of said section down to line 34, page 6, and inserting in lieu thereof the following:

Section 4. Article 2846, Revised Civil Statutes of 1925, which is also Section 8, of Chapter 176, of the Acts of the Thirty-ninth Legislature, is hereby amended so as hereafter to read as follows:

Art. 2846. Notice of Meeting to be Given.—When texts are to be selected and adopted under the provisions of this law, or where a contract for a text then in use is about to expire, the chairman of the commission shall, two months in advance of the meeting of the commission, at which time the adoption may be made, give public notice by having printed in the public press a notice to the effect that such meeting will be held and that adoptions will be made, and by sending written notices to all persons, firms or corporations in whose behalf such notices shall have been requested. Such notices shall state the time and place of the meeting of the commission, the subjects on which textbooks may be adopted, and the last date on which sample copies of books offered, prepared as provided in the succeeding paragraph of this article, shall be deposited, the amount of the cash deposit required, the time allowed for signing contract and filing bond after award is made; and that formal proposals will be received on the date of the meeting.

Deposit of Samples.—At least thirty days prior to the date of the meeting of the said commission, every person, firm or corporation desiring to submit bids shall file with the State Superintendent

of Public Instruction nine copies of each book on which a bid will be submitted, in each of which copies there shall be printed or stamped a statement of the price at which such book and special editions thereof are sold in other places under State or county adoptions, and the minimum quantities in which it will be sold at such prices, and there shall also be printed or stamped in such books a statement of the publisher's catalog price of the same, and special editions thereof, together with trade discounts and the conditions under which, and the purchasers to whom, such discounts are allowed, and the place of delivery. There shall also be printed or stamped in each book the price at which it is offered to Texas, f. o. b. the publisher's Texas depository, with and without exchange. There shall also be printed or stamped in each book the minimum wholesale price at which such books and special editions thereof, are sold f. o. b. the shipping point of the publisher, and the name of the shipping point shall also be stated.

The amendment was adopted.

Mr. Brown offered the following amendment to the bill:

Amend House bill No. 615 by striking out all of Section 7, page 8, and inserting in lieu thereof the following:

Section 7. Article 2852, Revised Civil Statutes of 1925, which is also Section 14, of said Chapter 176, of the Thirty-ninth Legislature, is hereby repealed, and there is inserted in its place the following provision:

Art. 2852. Books to be Bought at Reduced Prices.—The maximum price which the Texas State Textbook Commission shall contract to pay for any book to be used in the public schools of this State shall be the minimum price at which the publisher sells such book in wholesale quantities, f. o. b. the publisher's shipping point, after all discounts have been deducted, plus the actual freight charges from said shipping point to the Texas depository of such publisher. Any contract made for the purchase of books for use in the public schools of this State at a higher price than the maximum price fixed by the preceding sentence of this article shall be void. The said Texas State Textbook Commission shall not contract with any publisher for the purchase of any book for use in the public schools of Texas except at a substantial reduction under the price or prices at which the same book is sold by the same publisher in quantities

of one hundred copies, or less, to persons who buy without the benefit of State or county contracts, or at prices not determined by the terms of some contract between said publisher and this State, or said publisher and some other State or political subdivision thereof. The words "same book," used above, shall include special editions of such book, or any publication by the same author or authors under the same name, or a similar name, containing substantially the same material. The words "substantial reduction" shall be such reduction as in the judgment of the Textbook Commission is a proper allowance on account of the quantity of the books to be purchased under the State contract by the State of Texas.

The amendment was adopted.

House bill No. 615 was then passed to engrossment.

HOUSE BILL NO. 615 ON THIRD READING.

Mr. Brown moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 615 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—107.

Mr. Speaker.	Gilbert.
Acker.	Gray.
Alexander.	Hagaman.
Avis.	Harding.
Barnett.	Harman.
Barron.	High.
Bass.	Hogg.
Bateman.	Johnson.
Black.	Jones.
Boggs.	Keeton.
Bonham.	Kemble.
Boon.	Kennedy.
Branch.	Kenyon.
Brown.	Kincaid.
Cornwell.	King of Hopkins.
Cummings.	Kirby.
Daniel.	Kirkland.
Davis.	Land.
DeBerry.	Long.
Denman.	McCombs.
Dielmann.	McGill.
Duvall.	McKean.
Enderby.	Merritt.
Eickenroht.	Minor.
Farrar.	Morse.
Finlay.	Moursund.
Fly.	Murphy.
Forbes.	Nabors.
Foster.	Nicholson.
Fuchs.	Parish of Runnels.
Gibson.	Pavlica.

Pearce.	Snelgrove.
Poage.	Stell.
Pool.	Storey.
Powell.	Stout.
Purl.	Swain.
Ramsey.	Taylor.
Rawlins.	Turner.
Reagan.	Van Zandt.
Renfro	Veatch.
of Angelina.	Waddell.
Rogers of Hays.	Walker.
Rogers of Shelby.	Wallace
Sanders.	of Freestone.
Shaver.	Wallace of Smith.
Shearer.	Ware.
Sheats.	Wassell.
Shirley.	Webb.
Simmons.	Williams
Sinks.	of Sabine.
Smith of Atascosa.	Williams
Smith of Nueces.	of Travis.
Smith of Smith.	Woodall.
Smyth.	Young.

Nays—3.

Albritton.	Olsen.
Jacks.	

Present—Not Voting.

Brice.

Absent.

Beck.	Parrish of Travis.
Bird.	Petsch.
Conway.	Pope.
Cox.	Porter.
Dunlap.	Renfro of Mills.
Faulk.	Rowell.
Gates.	Runge.
Graves.	Satterwhite.
Hall.	Smith of El Paso.
Hefley.	Stevenson.
Holder.	Sutton.
Holland.	Teer.
Hornaday.	Tillotson.
Kayton.	Wallace of Panola.
Lipscomb.	Wells.
Loftin.	Whitaker.
Loy.	Williamson.
Montgomery.	Woodruff.

Absent—Excused.

Anderson.	Kinnear.
Justice.	Masterson.
King of	
Throckmorton.	

The Speaker then laid House bill No. 615 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—111.

Mr. Speaker.	Albritton.
Acker.	Alexander.

Avis.
Barnett.
Barron.
Bass.
Bateman.
Black.
Boggs.
Bonham.
Boon.
Branch.
Brice.
Brown.
Cornwell.
Cummings.
Daniel.
Davis.
DeBerry.
Denman.
Dielmann.
Duvall.
Enderby.
Eickenroht.
Farrar.
Finlay.
Fly.
Forbes.
Foster.
Fuchs.
Gibson.
Gilbert.
Gray.
Hagaman.
Hall.
Harding.
Harman.
High.
Hogg.
Holder.
Jacks.
Johnson.
Jones.
Keeton.
Kemble.
Kennedy.
Kenyon.
Kincaid.
Kirby.
Kirkland.
Land.
Long.
McCombs.
McGill.
McKean.
Merritt.

Minor.
Morse.
Moursund.
Murphy.
Nabors.
Nicholson.
Olsen.
Parish of Runnels.
Pavlica.
Pearce.
Poage.
Pool.
Porter.
Powell.
Ramsey.
Rawlins.
Reagan.
Renfro
of Angelina.
Rogers of Hays.
Rogers of Shelby.
Rowell.
Sanders.
Satterwhite.
Shaver.
Sheats.
Shirley.
Simmons.
Sinks.
Smith of Nueces.
Smith of Smith.
Smyth.
Snelgrove.
Stell.
Storey.
Stout.
Swain.
Taylor.
Turner.
Van Zandt.
Veatch.
Waddell.
Walker.
Wallace
of Freestone.
Wallace of Smith.
Ware.
Webb.
Williams
of Sabine.
Williams
of Travis.
Woodall.
Young.

Absent.

Beck.
Bird.
Conway.
Cox.
Dunlap.
Faulk.
Gates.
Graves.
Hefley.
Holland.

Hornaday.
Kayton.
King of Hopkins.
Lipscomb.
Loftin.
Loy.
Montgomery.
Parrish of Travis.
Petsch.
Pope.

Purl.	Teer.
Renfro of Mills.	Tillotson.
Runge.	Wallace of Panola.
Shearer.	Wassell.
Smith of Atascosa.	Wells.
Smith of El Paso.	Whitaker.
Stevenson.	Williamson.
Sutton.	Woodruff.

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
Kinnear.	Masterson.

HOUSE BILL NO. 266 ON SECOND
READING.

On motion of Mr. Dielmann, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 266, A bill to be entitled "An Act to amend Article 2902, Revised Statutes, 1925, reducing the free school age to six years."

The Speaker laid the bill before the House, it was read second time and was passed to engrossment.

HOUSE BILL NO. 266 ON THIRD
READING.

Mr. Dielmann moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 266 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—94.

Mr. Speaker.	Fly.
Acker.	Forbes.
Alexander.	Foster.
Avis.	Gilbert.
Barnett.	Hagaman.
Barron.	Harding.
Bass.	Harman.
Bateman.	High.
Black.	Hogg.
Bonham.	Holder.
Boon.	Jacks.
Branch.	Johnson.
Brice.	Jones.
Brown.	Keeton.
Cummings.	Kemble.
Daniel.	Kenyon.
Davis.	Kincaid.
DeBerry.	King of Hopkins.
Denman.	Kirby.
Dielmann.	Land.
Dunlap.	Lipscomb.
Duvall.	Long.
Enderby.	McCombs.
Eickenroht.	McGill.

Minor.	Smith of Atascosa.
Morse.	Smith of Nueces.
Moursund.	Smith of Smith.
Murphy.	Smyth.
Nabors.	Stell.
Nicholson.	Storey.
Pavlica.	Stout.
Pearce.	Swain.
Pool.	Taylor.
Porter.	Turner.
Powell.	Van Zandt.
Ramsey.	Waddell.
Rawlins.	Wallace
Reagan.	of Freestone.
Rogers of Hays.	Wallace of Smith.
Rowell.	Ware.
Sanders.	Wassell.
Satterwhite.	Webb.
Shaver.	Williams
Shearer.	of Sabine.
Sheats.	Williamson.
Shirley.	Woodall.
Simmons.	Young.
Sinks.	

Nays—12.

Albritton.	Parish of Runnels.
Farrar.	Poage.
Finlay.	Renfro
Fuchs.	of Angelina.
Gibson.	Rogers of Shelby.
Merritt.	Walker.
Olsen.	

Absent.

Beck.	Montgomery.
Bird.	Parrish of Travis.
Boggs.	Petsch.
Conway.	Pope.
Cornwell.	Purl.
Cox.	Renfro of Mills.
Faulk.	Runge.
Gates.	Smith of El Paso.
Graves.	Snelgrove.
Gray.	Stevenson.
Hall.	Sutton.
Hefley.	Teer.
Holland.	Tillotson.
Hornaday.	Veatch.
Kayton.	Wallace of Panola.
Kennedy.	Wells.
Kirkland.	Whitaker.
Loftin.	Williams
Loy.	of Travis.
McKean.	Woodruff.

Absent—Excused.

Anderson.	Kinnear.
Justice.	Masterson.
King of	
Throckmorton.	

The Speaker then laid House bill No. 266 before the House on its third reading and final passage.

The bill was read third time.

Mr. Dielmann offered the following (committee) amendment to the bill:

Amend House bill No. 266 by adding thereto the following:

"Provided, if any child residing in said district becomes six years of age after the beginning of the scholastic year the board of trustees may admit such child to the privileges of the school for the entire school year in said district upon the payment of a reasonable rate of tuition."

Mr. Gray offered the following amendment to the amendment:

Amend (committee) amendment to House bill No. 266 by striking out the word "may," between the words "trustees" and "admit," on line 15, page 2, of printed bill, and insert the word "shall" in lieu thereof.

On motion of Mr. Shaver, the amendment to the amendment was tabled.

Question then recurring on the (committee) amendment by Mr. Dielmann, it was adopted.

Mr. Dielmann offered the following amendment to the bill:

Amend House bill No. 266 by adding the following emergency clause:

"The fact that there is no adequate means of permitting school children of six years and upward to participate in the school funds of the State, creates an emergency and a public necessity requiring that the rule requiring bills to be read on three separate days be suspended, and same is hereby suspended."

The amendment was adopted.

Mr. Storey moved the previous question on the passage of the bill to engrossment and the main question was ordered.

House bill No. 266 then failed to pass to engrossment by the following vote:

Yeas—55.

Acker.	Jones.
Barnett.	Kemble.
Barron.	Kenyon.
Bass.	Land.
Conway.	Lipscomb.
Cornwell.	Long.
Daniel.	Loy.
Denman.	McCombs.
Dielmann.	McGill.
Duvall.	Minor.
Enderby.	Morse.
Forbes.	Moursund.
Foster.	Murphy.
Fuchs.	Nabors.
Gray.	Olsen.
Harding.	Parish of Runnels.
Harman.	Powell.
High.	Ramsey.
Holder.	Rawlins.

Reagan.
Renfro
of Angelina.
Renfro of Mills.
Sanders.
Satterwhite.
Shaver.
Shearer.
Sheats.
Shirley.

Smith of Atascosa.
Smith of Nueces.
Smyth.
Wallace
of Freestone.
Wallace of Smith.
Wassell.
Woodall.
Young.

Nays—57.

Albritton.
Alexander.
Avis.
Bateman.
Beck.
Black.
Bonham.
Boon.
Davis.
DeBerry.
Faulk.
Finlay.
Fly.
Gates.
Gibson.
Hagaman.
Hall.
Hogg.
Hornaday.
Kennedy.
Kincaid.
King of Hopkins.
Kirby.
Kirkland.
Merritt.
Nicholson.
Pavlica.
Pearce.
Petsch.
Poage.

Pool.
Porter.
Rogers of Hays.
Rogers of Shelby.
Rowell.
Runge.
Simmons.
Sinks.
Smith of Smith.
Snelgrove.
Stell.
Storey.
Stout.
Taylor.
Teer.
Tillotson.
Turner.
Van Zandt.
Veatch.
Waddell.
Walker.
Wallace of Panola.
Ware.
Webb.
Williams
of Sabine.
Williams
of Travis.
Woodruff.

Present—Not Voting.

Boggs.
Brice.
Farrar.

Jacks.
Purl.

Absent.

Bird.
Branch.
Brown.
Cox.
Cummings.
Dunlap.
Eickenroht.
Gilbert.
Graves.
Hefley.
Holland.
Johnson.
Kayton.
Keeton.

Loftin.
Masterson.
McKean.
Montgomery.
Parrish of Travis.
Pope.
Smith of El Paso.
Stevenson.
Sutton.
Swain.
Wells.
Whitaker.
Williamson.

Absent—Excused.

Anderson.
Justice.

King of
Throckmorton.
Kinnear.

Reason for Vote.

I vote "nay" on House bill No. 266 for the reason that with five years experience as a teacher I am convinced that the public school is no place for a six-year-old child.

FAULK.

Mr. Poage moved to reconsider the vote by which the bill failed to pass to engrossment and to table the motion to reconsider.

The motion to table was lost.

HOUSE BILL NO. 50 WITH SENATE AMENDMENTS.

Mr. Beck called up from the Speaker's table, with Senate amendments, for consideration of the amendments.

H. B. No. 50, A bill to be entitled "An Act to regulate motor propelled passenger vehicles not usually operated on or over rails and engaged regularly in the business of transporting passengers for compensation for hire over the public highways of the State; defining motor bus companies and declaring them to be common carriers; excepting motor bus companies operating wholly within an incorporated town or city and suburbs thereof; defining the terms 'corporation,' 'person,' 'public highway,' 'Highway Commission' and 'Commission'; providing for the issuance of certificates of convenience and necessity to motor bus companies, and prescribing the conditions upon which such certificate may be issued; requiring the Railroad Commission of Texas to supervise and regulate the public service rendered by every motor bus company; to fix or approve maximum and minimum fares, rates or charges; to prescribe all rules and regulations necessary for the government of motor bus companies," etc.

The Speaker laid the bill before the House and the Senate amendments were read.

Mr. Beck moved that the House do not concur in the Senate amendments, and that a free conference committee be requested to adjust the differences between the two houses on the bill.

The motion prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, March 9, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: I am directed by the Senate to

inform the House that the Senate has postponed indefinitely,

S. B. No. 266, A bill to be entitled "An Act amending Article 1109, Chapter 10, of the Revised Statutes of the States of Texas, so as to make same applicable to all cities and towns and, by adding thereto Sections 7, 8 and 9, extending the privileges and rights granted under said article to public utilities corporations and associations operating under a franchise granted by such cities and towns and engaged in the business of supplying cities and towns with water; and authorizing said cities and towns owning and operating their own water works systems and public utilities corporations and associations engaged in the business of supplying cities and towns with water for fire protection and domestic consumption, to acquire by purchase, gift, or by the exercise of eminent domain, riparian and prescriptive rights and other rights, to the use of water, and providing that when so acquired, such riparian, prescriptive and other water rights shall be detached from the land to which they formerly belonged; and further providing that the water supply of such cities and towns and such public utilities corporations and associations so supplying such cities and towns with water, shall be augmented to the extent of the amount of water and the use thereof so acquired that was formerly appurtenant to and used by any tract of land involved in any condemnation proceeding authorized by the provisions of this article, and declaring an emergency."

The Senate refused to pass finally

S. J. R. No. 28, Proposing an amendment to the State Constitution authorizing Tom Green, Schleicher, Sutton, Edwards and Val Verde counties or districts in said counties, pursuant to a majority vote of the property taxpaying voters in said counties or districts, to issue bonds and invest the proceeds thereof in aid of railroad construction.

H. J. R. No. 5, Proposing an amendment to the Constitution so as to make taxable University lands in the county where located.

S. B. No. 231, A bill to be entitled "An Act authorizing board of regents to grant leaves of absence in State educational institutions to teachers and professors to the end that they may prosecute and continue their studies and preparation in other colleges and universities after they have served a certain length

of time in the State educational institutions of this State, and declaring an emergency."

S. B. No. 146, A bill to be entitled "An Act to define and to regulate the practice of cosmetic-therapy in the State of Texas and defining cosmetic-therapy establishments; providing for the creation of the State Board of Examiners of Cosmetic-Therapy, etc., and declaring an emergency."

S. B. No. 272, A bill to be entitled "An Act to amend Article 6698, Revised Statutes of 1925, so as to permit cities and towns to regulate traffic of certain commercial motor vehicles and charge a fee sufficient to pay the expense of such regulation, and declaring an emergency."

Has passed

H. B. No. 50, A bill to be entitled "An Act to regulate motor propelled passenger vehicles not usually operated on or over rails and engaged regularly in the business of transporting passengers for compensation for hire over the public highways of the State; defining motor bus companies and declaring them to be common carriers; excepting motor bus companies operating wholly within an incorporated town or city and suburbs thereof; defining the terms 'corporation,' 'person,' 'public highway,' 'Highway Commission' and 'Commission'; providing for the issuance of certificates of convenience and necessity to motor bus companies, and prescribing the conditions upon which such certificate may be issued; requiring the Railroad Commission of Texas to supervise and regulate the public service rendered by every motor bus company; to fix or approve maximum and minimum fares, rates or charges; to prescribe all rules and regulations necessary for the government of motor bus companies," etc., with amendments.

H. B. No. 59, A bill to be entitled "An Act providing for the defining of a policy managing and operating the State prison system and for the appointment of a board of directors, composed of nine persons, to be appointed by the Governor, with six-year terms; defining the duties of said board of directors; providing for the appointment of a general manager of the prison system; defining the duties and providing for the compensation of such general manager; providing that under unforeseen, calamitous conditions, such as failure of crops, etc., prisoners may be worked on public works, etc., and

declaring an emergency," with committee substitute.

H. B. No. 323, A bill to be entitled "An Act to be known as the Texas Defense Act; providing for the creation, organization, maintenance, government, operation, authority, province, functions, and duties of the Military Establishment of the State of Texas, its officers and personnel, including the Texas National Guard and the Texas Militia; adopting the provisions of the National Defense Act enacted by the Congress of the United States and National Guard Regulations prescribed by the War Department of the United States; prescribing the duties of the officers of the Military Establishment of the State of Texas; and the rights, powers and duties of the Governor in relation thereto; and repealing all of Title 94, Chapters 1, 2, 3 and 4, Revised Statutes of 1925, and all other laws or parts of laws in conflict with this act, and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

(Mr. Young in the chair.)

HOUSE BILL NO. 305 ON SECOND READING.

On motion of Mr. Fly, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 305, A bill to be entitled "An Act to prevent members of the Senate or House of Representatives of this State during the term for which he was elected, or the wife or husband, son or daughter of any Governor of the State of Texas, or the head of any department, institution or board of the State of Texas, while serving as such, directly or indirectly, to accept money or other thing of value, or the promise thereof, or any position, office, or reward or the promise thereof, or any service, reward or benefit, or the promise thereof, as compensation, inducement or reward to such Senator or Representative, or other party above named, to appear before, make argument to, representing any person before, or influence the head or any member of any department, agent, officer, or employe of the State government for whom or for which any appropriation is made by the Legislature of the State of Texas; defining the necessary offense and providing a penalty for violation of the act, and providing for removal from office for

violation of the act; and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Fly offered the following amendment to the bill:

Amend House bill No. 305, Section 1, line 15, after the word "person" by inserting the following: "County, district, municipality, firm, corporation or association of persons."

The amendment was lost.

Mr. Fly offered the following amendment to the bill:

Amend House bill No. 305 in the sixteenth line of the caption thereof by inserting before the word "influence" the words "attempt to."

Pending consideration of the (committee) amendment by Mr. Fly, Mr. Jacks raised a point of order, stating that he had been recognized and offered an amendment to the bill and that the question should be put on his amendment.

The Speaker overruled the point of order.

Mr. Jacks appealed from the ruling of the Chair, and the appeal was duly seconded.

Mr. Barron was called to the chair pending the appeal.

Question—Shall the ruling of the Chair be sustained?

The House refused to sustain the Chair by the following vote:

Yeas—44.

Acker.	Pope.
Albritton.	Powell.
Avis.	Ramsey.
Bass.	Renfro
Conway.	of Angelina.
Davis.	Shaver.
DeBerry.	Shirley.
Enderby.	Simmons.
Fly.	Smith of Nueces.
Forbes.	Smyth.
Hall.	Stevenson.
High.	Stout.
King of Hopkins.	Taylor.
Kirby.	Teer.
Land.	Tillotson.
Loy.	Van Zandt.
Minor.	Waddell.
Murphy.	Walker.
Nicholson.	Wallace
Olsen.	of Freestone.
Pavlica.	Wallace of Panola.
Pearce.	Wallace of Smith.
Pool.	Wassell.

Nays—52.

Alexander. Barnett.

Barron.	McCombs.
Bateman.	McGill.
Bonham.	Morse.
Brice.	Moursund.
Cornwell.	Nabors.
Cummings.	Poage.
Daniel.	Porter.
Denman.	Reagan.
Faulk.	Rogers of Hays.
Finlay.	Rowell.
Foster.	Runge.
Fuchs.	Shearer.
Gates.	Sheats.
Gibson.	Smith of Atascosa.
Gray.	Stell.
Harding.	Storey.
Hogg.	Swain.
Holland.	Turner.
Hornaday.	Veatch.
Jacks.	Webb.
Jones.	Williams
Kayton.	of Sabine.
Kennedy.	Williams
Kenyon.	of Travis.
Kincaid.	Woodall.
Lipscomb.	Woodruff.
Long.	

Present—Not Voting.

Black.	Kirkland.
Boggs.	Merritt.
Boon.	Renfro of Mills.
Keeton.	Snelgrove.

Absent.

Beck.	McKean.
Bird.	Montgomery.
Branch.	Parish of Runnels.
Brown.	Parrish of Travis.
Cox.	Petsch.
Dielmann.	Purl.
Dunlap.	Rawlins.
Duvall.	Rogers of Shelby.
Eickenroht.	Sanders.
Farrar.	Satterwhite.
Gilbert.	Sinks.
Graves.	Smith of El Paso.
Hagaman.	Smith of Smith.
Harman.	Sutton.
Hefley.	Ware.
Holder.	Wells.
Johnson.	Whitaker.
Kemble.	Williamson.
Loftin.	Young.
Masterson.	

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
	Kinnear.

Mr. Fly withdrew the (committee) amendment.

Mr. Jacks then offered the following amendment to the bill:

Amend House bill No. 305 by striking out line 25, page 1.

(Speaker in the chair.)

Mr. Purl moved to table the amendment by Mr. Jacks.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—55.

Acker.	Powell.
Bass.	Purl.
Black.	Ramsey.
Davis.	Renfro
DeBerry.	of Angelina.
Enderby.	Renfro of Mills.
Finlay.	Rogers of Shelby.
Fly.	Sanders.
Forbes.	Satterwhite.
Graves.	Shaver.
Gray.	Shirley.
Hagaman.	Simmons.
Hall.	Smith of Nueces.
High.	Smith of Smith.
Holder.	Snelgrove.
Kennedy.	Stell.
Kincaid.	Stevenson.
Kirby.	Taylor.
Kirkland.	Teer.
Land.	Veatch.
Loy.	Waddell.
McGill.	Wallace
Merritt.	of Freestone.
Minor.	Wallace of Panola.
Murphy.	Wallace of Smith.
Nicholson.	Webb.
Pearce.	Williams
Petsch.	of Sabine.
Porter.	Young.

Nays—60.

Albritton.	Kenyon.
Barnett.	Lipscomb.
Barron.	Long.
Bateman.	Masterson.
Bonham.	McCombs.
Boon.	Morse.
Brown.	Moursund.
Conway.	Nabors.
Cornwell.	Olsen.
Cummings.	Parish of Runnels.
Daniel.	Pavlica.
Denman.	Poage.
Dielmann.	Pope.
Duvall.	Reagan.
Farrar.	Rogers of Hays.
Faulk.	Rowell.
Foster.	Runge.
Gates.	Shearer.
Gibson.	Sheats.
Harding.	Smith of Atascosa.
Harman.	Storey.
Hogg.	Stout.
Holland.	Swain.
Hornaday.	Tillotson.
Jacks.	Turner.
Jones.	Walker.
Kayton.	Wassell.
Kemble.	Whitaker.

Williams
of Travis.

Woodall.
Woodruff.

Present—Not Voting.

Brice.

Keeton.

Absent.

Alexander.	Loftin.
Avis.	McKean.
Beck.	Montgomery.
Bird.	Parrish of Travis.
Boggs.	Pool.
Branch.	Rawlins.
Cox.	Sinks.
Dunlap.	Smith of El Paso.
Eickenroht.	Smyth.
Fuchs.	Sutton.
Gilbert.	Van Zandt.
Hefley.	Ware.
Johnson.	Wells.
King of Hopkins.	Williamson.

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
	Kinnear.

Mr. Morse moved the previous question on the pending amendment by Mr. Jacks, and the main question was ordered.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—61.

Albritton.	Kayton.
Alexander.	Kemble.
Barnett.	Kenyon.
Barron.	Land.
Boon.	Lipscomb.
Brown.	Long.
Conway.	Masterson.
Cornwell.	McCombs.
Cummings.	Morse.
Daniel.	Moursund.
Denman.	Nabors.
Dielmann.	Olsen.
Farrar.	Pavlica.
Faulk.	Poage.
Foster.	Pope.
Gates.	Reagan.
Gibson.	Renfro of Mills.
Gray.	Rogers of Hays.
Hagaman.	Rowell.
Harding.	Runge.
Harman.	Shearer.
Hogg.	Sheats.
Holland.	Smith of Nueces.
Hornaday.	Smith of Smith.
Jacks.	Storey.
Jones.	Stout.

Swain.
Tillotson.
Turner.
Walker.
Whitaker.

Williams
of Sabine.
Williams
of Travis.
Woodall.
Woodruff.

Nays—53.

Bass.
Bateman.
Beck.
Black.
Cox.
Davis.
DeBerry.
Duvall.
Enderby.
Finlay.
Fly.
Forbes.
Graves.
Hall.
High.
Holder.
Kennedy.
Kincaid.
Kirby.
Kirkland.
Merritt.
Minor.
Montgomery.
Murphy.
Nicholson.
Pearce.
Petsch.

Pool.
Porter.
Powell.
Purl.
Ramsey.
Renfro
of Angelina.
Rogers of Shelby.
Sanders.
Satterwhite.
Shaver.
Shirley.
Simmons.
Smith of Atascosa.
Smyth.
Snelgrove.
Stell.
Stevenson.
Taylor.
Teer.
Van Zandt.
Veatch.
Waddell.
Wallace of Smith.
Wassell.
Webb.
Young.

Present—Not Voting.

Brice.

Keeton.

Absent.

Acker.
Avis.
Bird.
Boggs.
Bonham.
Branch.
Dunlap.
Eickenroht.
Fuchs.
Gilbert.
Hefley.
Johnson.
King of Hopkins.
Loftin.
Loy.

McGill.
McKean.
Parish of Runnels.
Parrish of Travis.
Rawlins.
Sinks.
Smith of El Paso.
Sutton.
Wallace
of Freestone.
Wallace of Panola.
Ware.
Wells.
Williamson.

Absent—Excused.

Anderson.
Justice.

King of
Throckmorton.
Kinnear.

Reasons for Votes.

In voting "nay" on House bill No. 305,
I do so because of the fact that the bill

is too all inclusive and far too drastic in its present form. If it had the proper exemptions, such as filing a charter in the Secretary of State's office or practicing before the Industrial Accident Board, which is in reality a court, and other kindred matters which any honest man has a right to the pursuit of just the same as any other person in any respective walk of life, then I would be for it. It is inequitable and unjust to prevent an attorney from filing a charter in the Secretary of State's office or from representing a client before the Industrial Accident Board.

He does not practice influence in either case any more than he does in a court of justice, but merely exercises the rights guaranteed to him by the laws of this land. This bill would make a lawyer or any other representative guilty of a felony under such circumstances.

STOUT.

I voted against striking out the enacting clause of House bill No. 305, because, in the first place I do not think that that is the proper way to kill any bill. I was opposed to the bill as written and presented to the House, although I was in sympathy with the purpose of the proposed legislation. I do think it wrong for State officials to practice influence before certain departments of this State. I would not, however, consent to deprive lawyers who may be members of the Legislature from practicing before some departments of this State on matters that have nothing to do with matters coming before the Legislature. I had the following amendment to the bill and it is my candid judgment that if this amendment had been adopted the bill would have worked no hardship on members of the Legislature practicing before these departments. The amendment is as follows:

"Nothing in this act shall prevent any State official from practicing or appearing before the following departments: Railroad Commission, Land Office, Secretary of State, Board of Water Engineers, Banking, Insurance, Education, Health and Industrial Accident Board."

This would prevent practicing before the State Highway Department, Board of Pardons and Textbook Commission.

PURL.

Mr. Jacks moved to reconsider the vote by which the amendment was adopted and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE SENATE.

Senate Chamber,
Austin, Texas, March 9, 1927.

Hon. Robert Lee Bobbitt, Speaker of the
House of Representatives.

Sir: I am directed by the Senate to
inform the House that the Senate has
passed the following bills:

H. B. No. 569, A bill to be entitled
"An Act relating to the State Prison
System; providing appropriations to pay
the outstanding debts of the prison sys-
tem which are now due or which may
mature prior to the first day of Sep-
tember, A. D. 1927; making appropri-
ations for support and maintenance of
the prison system until the first day
of September, A. D. 1927; providing
how moneys shall be paid and become
available; enacting provisions relative
to moneys now on hand by the prison
system; providing that hereafter all
moneys received by the prison system
shall be placed in the State Treasury to
the credit of the general revenue fund,
and no money shall be paid out except
upon sworn accounts and on warrants
drawn by the Comptroller as provided
for by general laws of this State in re-
ference to other departments of the State
government, and pursuant to appropri-
ations made by the Legislature; pro-
viding all things necessary to carry out
the main purpose of this act, and de-
claring an emergency," with amend-
ments.

H. B. No. 551, A bill to be entitled
"An Act to create the office of State
Service Officer, to be attached to the
Comptroller's Department of the State
of Texas; providing for his appoint-
ment; prescribing his qualifications and
duties; fixing his salary; making ap-
propriation for such, together with
traveling and incidental expenses for
the fiscal year ending August 31, 1927;
providing all matters and things inci-
dental to the main purpose of this act,
and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,
Assistant Secretary of the Senate.

HOUSE BILL NO. 460 ON SECOND
READING.

On motion of Mr. Fuchs, the regular
order of business was suspended to take
up and have placed on its second read-
ing and passage to engrossment,

H. B. No. 460, A bill to be entitled
"An Act providing that every person
registering a motor vehicle, tractor,

trailer, semi-trailer or motorcycle, used
on the public highways of this State,
shall accompany his application for reg-
istration with a statement upon oath
or affirmation, signed by the applicant,
that such motor vehicle, tractor, trailer,
semi-trailer or motorcycle was rendered
for taxation for the preceding year, or
that said vehicle was not liable for tax-
ation during said preceding year, or
that said vehicle was not owned in whole
or in part by the applicant during said
preceding year; and providing for the
payment of the tax upon said vehicle
for the preceding year in lieu of such
statement; providing for the adminis-
tration of said oath or affirmation by
the tax collector, and providing a pen-
alty for any misrepresentation made in
said statement, and declaring an emer-
gency."

The Speaker laid the bill before the
House and it was read second time.

Mr. Wallace of Freestone offered the
following amendment to the bill:

Amend House bill No. 460 (printed
bill), Section 1, line 33, by adding the
following between the words "year" and
"provided": "Application shall also
state that the number plates or seal as-
signed to applicant will not be used on
a different make or different size motor
vehicle, tractor, trailer, semi-trailer or
motorcycle than for which application
was made."

The amendment was adopted.

House bill No. 460 was then passed
to engrossment.

HOUSE BILL NO. 460 ON THIRD
READING.

Mr. Fuchs moved that the constitu-
tional rule requiring bills to be read on
three several days be suspended and
that House bill No. 460 be placed on its
third reading and final passage.

The motion prevailed by the follow-
ing vote:

Yeas—97.

Mr. Speaker.	Cummings.
Alexander.	Daniel.
Avis.	Davis.
Barron.	DeBerry.
Bass.	Denman.
Bateman.	Dielmann.
Beck.	Dunlap.
Black.	Duvall.
Boggs.	Enderby.
Boon.	Farrar.
Brice.	Finlay.
Conway.	Fly.
Cornwell.	Forbes.

Foster.	Reagan.
Fuchs.	Renfro
Graves.	of Angelina.
Gray.	Renfro of Mills.
Hagaman.	Rogers of Hays.
Harman.	Rowell.
High.	Runge.
Hogg.	Satterwhite.
Holder.	Shaver.
Holland.	Shearer.
Jacks.	Simmons.
Jones.	Sinks.
Kayton.	Smith of Nueces.
Keeton.	Smith of Smith.
Kincaid.	Smyth.
Kirby.	Snelgrove.
Kirkland.	Stell.
Land.	Stevenson.
Long.	Storey.
Masterson.	Swain.
McCombs.	Taylor.
Merritt.	Teer.
Minor.	Tillotson.
Montgomery.	Van Zandt.
Morse.	Veatch.
Moursund.	Waddell.
Murphy.	Walker.
Nabors.	Wallace
Nicholson.	of Freestone.
Pavlica.	Wallace of Panola.
Pearce.	Wallace of Smith.
Petsch.	Wassell.
Poage.	Webb.
Pool.	Whitaker.
Pope.	Williams
Ramsey.	of Sabine.
Rawlins.	Woodall.

Nays—9.

Albritton.	Parish of Runnels.
Barnett.	Porter.
Harding.	Sanders.
Kemble.	Stout.
Kennedy.	

Absent.

Acker.	McGill.
Bird.	McKean.
Bonham.	Olsen.
Branch.	Parrish of Travis.
Brown.	Powell.
Cox.	Purl.
Eickenroht.	Rogers of Shelby.
Faulk.	Sheats.
Gates.	Shirley.
Gibson.	Smith of Atascosa.
Gilbert.	Smith of El Paso.
Hall.	Sutton.
Hefley.	Turner.
Hornaday.	Ware.
Johnson.	Wells.
Kenyon.	Williams
King of Hopkins.	of Travis.
Lipscomb.	Williamson.
Loftin.	Woodruff.
Loy.	Young.

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
	Kinnear.

The Speaker then laid House bill No. 460 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—101.

Mr. Speaker.	Minor.
Albritton.	Montgomery.
Alexander.	Morse.
Avis.	Moursund.
Barron.	Murphy.
Bass.	Nabors.
Bateman.	Olsen.
Beck.	Pavlica.
Brice.	Petsch.
Black.	Poage.
Boggs.	Pool.
Bonham.	Pope.
Boon.	Powell.
Brice.	Ramsey.
Conway.	Rawlins.
Cornwell.	Reagan.
Cox.	Renfro of Mills.
Cummings.	Rogers of Hays.
Daniel.	Rogers of Shelby.
Davis.	Rowell.
DeBerry.	Runge.
Denman.	Satterwhite.
Dielmann.	Shaver.
Dunlap.	Shearer.
Duvall.	Simmons.
Enderby.	Sinks.
Farrar.	Smith of Nueces.
Finlay.	Smith of Smith.
Fly.	Smyth.
Forbes.	Snelgrove.
Foster.	Stell.
Fuchs.	Stevenson.
Graves.	Storey.
Gray.	Stout.
Hagaman.	Swain.
Harding.	Taylor.
Harman.	Teer.
High.	Tillotson.
Hogg.	Van Zandt.
Holder.	Veatch.
Holland.	Waddell.
Jacks.	Walker.
Johnson.	Wallace
Kayton.	of Freestone.
Keeton.	Wallace of Panola.
Kennedy.	Wallace of Smith.
Kincaid.	Wassell.
Kirby.	Webb.
Kirkland.	Whitaker.
Land.	Williams
Long.	of Sabine.
Masterson.	Woodall.
McCombs.	

Nays—7.

Barnett.	Sanders.
Kemble.	Smith of Atascosa.
Parish of Runnels.	Turner.
Renfro	
of Angelina.	

Present—Not Voting.

Jones.	Nicholson.
Merritt.	

Absent.

Acker.	McGill.
Bird.	McKean.
Branch.	Parrish of Travis.
Brown.	Pearce.
Eickenroht.	Porter.
Faulk.	Purl.
Gates.	Sheats.
Gibson.	Shirley.
Gilbert.	Smith of El Paso.
Hall.	Sutton.
Hefley.	Ware.
Hornaday.	Wells.
Kenyon.	Williams
King of Hopkins.	of Travis.
Lipscomb.	Williamson.
Loftin.	Woodruff.
Loy.	Young.

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
	Kinnear.

HOUSE BILL NO. 569 WITH SENATE AMENDMENTS.

Mr. Teer called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 569, A bill to be entitled "An Act relating to the State Prison System; providing appropriations to pay the outstanding debts of the prison system which are now due or which may mature prior to the first day of September, A. D. 1927; making appropriations for support and maintenance of the prison system until the first day of September, A. D. 1927; providing how moneys shall be paid and become available; enacting provisions relative to moneys now on hand by the prison system; providing that hereafter all moneys received by the prison system shall be placed in the State treasury to the credit of the general revenue fund, and no money shall be paid out except upon sworn accounts and on warrants drawn by the Comptroller as provided for by general laws of this State in reference to other departments of the State govern-

ment, and pursuant to appropriations made by the Legislature."

The Speaker laid the bill before the House and the Senate amendments were read.

On motion of Mr. Teer, the House concurred in the Senate amendments by the following vote:

Yeas—108.

Mr. Speaker.	Montgomery.
Albritton.	Morse.
Alexander.	Moursund.
Avis.	Murphy.
Barnett.	Nabors.
Barron.	Nicholson.
Bass.	Olsen.
Bateman.	Parish of Runnels.
Beck.	Pavlica.
Black.	Pearce.
Boggs.	Petsch.
Bonham.	Poage.
Boon.	Pool.
Brice.	Pope.
Conway.	Porter.
Cornwell.	Powell.
Cox.	Ramsey.
Cummings.	Rawlins.
Daniel.	Reagan.
Davis.	Renfro.
DeBerry.	of Angelina.
Denman.	Renfro of Mills.
Dielmann.	Rogers of Hays.
Duvall.	Rogers of Shelby.
Enderby.	Rowell.
Finlay.	Runge.
Fly.	Sanders.
Forbes.	Satterwhite.
Foster.	Shaver.
Fuchs.	Shearer.
Graves.	Simmons.
Gray.	Sinks.
Hagaman.	Smith of El Paso.
Hall.	Smith of Nueces.
Harding.	Smith of Smith.
Harman.	Smyth.
High.	Snelgrove.
Hogg.	Stell.
Holder.	Storey.
Holland.	Stout.
Hornaday.	Swain.
Jacks.	Taylor.
Jones.	Teer.
Keeton.	Van Zandt.
Kemble.	Veatch.
Kennedy.	Waddell.
Kincaid.	Walker.
Kirby.	Wallace
Kirkland.	of Freestone.
Land.	Wallace of Panola.
Long.	Wallace of Smith.
Masterson.	Wassell.
McCombs.	Webb.
Merritt.	Whitaker.
Minor.	

Williams
of Sabine.

Woodall.
Young.

Present—Not Voting.

Farrar.

Absent.

Acker.	McGill.
Bird.	McKean.
Branch.	Parrish of Travis.
Brown.	Purl.
Dunlap.	Sheats.
Eickenroht.	Shirley.
Faulk.	Smith of Atascosa.
Gates.	Stevenson.
Gibson.	Sutton.
Gilbert.	Tillotson.
Hefley.	Turner.
Johnson.	Ware.
Kayton.	Wells.
Kenyon.	Williams
King of Hopkins.	of Travis.
Lipscomb.	Williamson.
Loftin.	Woodruff.
Loy.	

Absent—Excused.

Anderson.
Justice.

King of
Throckmorton.
Kinnear.

CONFERENCE COMMITTEE ON HOUSE BILL NO. 50.

The Speaker appointed the following conference committee on House bill No. 50:

Messrs. Beck, McCombs, Morse, Cummings and Minor.

BILLS AND RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 320, "An Act relative to fishermen."

S. B. No. 270, "An Act relating to assessment for street widening," etc.

S. J. R. No. 24, Relating to the Supreme Court.

RECESS.

Mr. Swain moved that the House recess to 10 o'clock a. m. tomorrow.

Mr. Wassell moved that the House recess to 9:30 o'clock a. m. tomorrow.

Mr. Smith of Smith moved that the House recess to 8:30 o'clock p. m. today.

The motion of Mr. Smith of Smith prevailed, and the House, accordingly, at

6:15 o'clock p. m., took recess to 8:30 o'clock p. m. today.

NIGHT SESSION.

The House met at 8:30 o'clock p. m. and was called to order by the Speaker.

COMMUNICATION FROM THE AT- TORNEY GENERAL.

The following communication was ordered printed in the Journal:

Office of Attorney General,

Austin, Texas, March 9, 1927.

Honorable W. S. Barron, House of Representatives, Austin.

Dear Mr. Barron: You, in conjunction with Messrs. O. L. Parish, J. A. Merritt, A. H. King, J. C. Rogers and J. F. Wallace, members of the Legislature, submit to me, copies of Senate bills Nos. 228, 229, 259 and 293 pending before the Fortieth Legislature, and ask for my opinion as to the constitutionality of same.

Senate bill No. 228 has as its purpose the control of the flood waters of Trinity river, declaring that a great public calamity exists that requires immediate legislation for the protection of the loss of lives and property; it provides for the issuance of bonds and for the release of a portion of the State ad valorem tax within said district not to exceed 23 cents on the \$100 assessed valuation for a period of twenty-five years from and after December 21, 1928. It, by its terms, is offered under the provisions of Section 10 of Article 8 of the Constitution. The area of the district is not given in the act, but my information is that it contains several thousand acres of land.

Senate bill No. 229 is an act releasing inhabitants of, and property subject to taxation of Dallas Levee Improvement District, and Dallas County Levee District No. 5, for a period of twenty-five years from the payment of ad valorem taxes levied for State purposes, to prevent great public calamities in said district caused by high waters and overflows. By its terms, it is offered under Section 10 of Article 8 of the Constitution. The boundaries of this district are not given, but my information is that it likewise contains many thousand acres. This act states that the property included within the

districts involved, was in the years 1890, 1908, 1913, 1914, 1915, 1916, 1918, 1920 and 1922, greatly damaged by high waters and overflows.

Senate bill No. 259 is an act making a grant, or donation to Starr county of a portion of the State ad valorem taxes for a period of twenty-five years, to enable said county to construct levees, etc., to protect it from disastrous and calamitous overflows. It recites that there is a large area of the county subjected practically every year to great damage by high waters and overflows, and a grant is made to the county of all State ad valorem taxes in excess of 5 cents on the \$100 valuation. It is not, by its terms, offered under Section 10 of Article 8, but must be authorized under it, or it must fail.

Senate bill No. 293 is an act granting and donating to Tyler county for a period of fifteen years, that part of the State ad valorem tax in excess of 10 cents on the \$100 valuation. It is stated that the county depository failed, and the county lost a large sum of money by reason of such failure, which has left it in poor financial condition.

These acts all depend for authority for their enactment upon a proper construction and application of Section 10 of Article 8 of the State Constitution.

I am not unmindful of the matter of public interest involved in the proposed legislation, but with the policy of the law this Department has nothing to do. Its function ends with a definite statement of what it conceives to be the law.

The Constitution of 1846, Article 7, Section 27, provided that taxation should be equal and uniform throughout the State, and that all property should be taxed in proportion to its value, "except such property as two-thirds of both Houses of the Legislature may think proper to exempt from taxation."

Section 28 of the same article, authorized the Legislature to exempt from taxation, \$250 worth of household furniture.

These identical provisions were carried forward into the Constitution of 1861 and of 1866, and appear in both as Article 7, Sections 27 and 28. The provisions in the identical language were also carried forward into the Constitution of 1869, and appear as Article 12, Section 19.

During these years, and prior to the adoption of our present Constitution, the Legislature of Texas exercised rather extensively, its power to exempt prop-

erty from taxation. This power it had the right to exercise since no constitutional provision was violated thereby, for in addition to the inherent power of a State Legislature to exempt property from taxation, unless expressly prohibited by the Constitution, the provisions of these Constitutions expressly authorized such exemptions as the Legislature "may think proper." A few of the many instances are given of the exercise of this power:

In 1870, the Legislature incorporated the Washington Fire Engine Company No. 1 of the city of Austin, and expressly provided that its property should be exempt from taxation for State and county purposes. (Gammel's Laws, Vol. 6, page 524.) During the same session, an act was passed authorizing one A. M. Nips to sell, barter and trade in goods, wares and merchandise anywhere in the State of Texas, free of any State, county or city incorporation tax. (Gammel's Laws, Vol. 6, page 639.) At the same session, laws were passed exempting from taxation, the bonds of the United States, and of the corporation of the city of Houston, and all cemetery lots and the property of all churches, Masonic and Odd Fellows Lodges and other charitable associations. (Gammel's Laws, Vol. 6, page 76.)

Likewise, the capital stock and property of the International Railroad Company was exempted for five years from August 5, 1870 (Vol. 6, page 109); and the capital stock and property of the Texas Timber & Prairie Railroad Company for ten years after completion (Vol. 6, page 303); and the property of the Gymnastic Association of New Braunfels from State, county, occupation or other taxes (Vol. 6, page 320).

The Legislature of 1873 released all State ad valorem and poll taxes that were at that time, or that might thereafter be assessed against the residents of the counties of Montague, Wise, Parker, Hood, Erath, Hamilton, Lampasas, Burnet, Blanco, Kendall, Bandera, Medina, Frio, McMullen, Duval, Starr and all counties lying west and southwest of same. (Gammel's Law, Vol. 7, page 59.) The basis of the release was stated to be for the purpose of protecting the frontier from the invasion of Indians. The Legislature of 1875 expressly repealed this law. (Vol. 8, page 382.)

During these years, there were many similar laws, evidencing an unlimited extensive exercise of its power to exempt persons and property from taxa-

tion, and many acts making donations to counties, and authorizing counties to issue bonds for the purpose of promotion of railroad construction, etc.

This constitutional provision and this legislative history constitute the background of the provision we are called upon to construe.

As a future protection against legislative action as it relates to the matter of taxation and the public funds, there was incorporated into the Constitution of 1876 several provisions which are pertinent in construing the one before us. As to granting of public money to individuals or counties, Article 3, Section 51 of the original Constitution of 1876, provided that "the Legislature shall have no power to make any grant, or to authorize the making of any grant of public money to any individual, association of individuals, municipal or other corporation whatsoever; provided, that this act shall not be so construed as to prevent the grant of aid in case of a public calamity."

This article was amended in 1912, and the words: "provided, that this shall not be so construed as to prevent the grant of aid in case of public calamity," were eliminated. As amended, this particular article of the Constitution could have but one construction, and that is, that the Legislature cannot, in any event, make any grant, or authorize the making of any grant of public money to any individual, association of individuals, municipal or other corporation whatsoever; even in case of a public calamity.

Therefore, if by any rule of construction, the provisions of these acts might be brought under the terms of this section of the Constitution, there is clearly no authority in the Legislature to enact them. Senate bill No. 259 relating to Starr county and Senate bill No. 293 relating to Tyler county purport by their very terms to be a grant by the State to these counties of a portion of the ad valorem taxes of said counties, constituting the revenues of the State; and therefore, if in truth and in fact, these acts are to be construed as their terms indicate, is the purpose of the law, they must both fall under this provision of the Constitution.

Going further, in an effort to guard against the evils which had existed theretofore, Section 55 of Article 3 prohibits the Legislature in any event from releasing, extinguishing in whole, or in part, the indebtedness, liability or obligation of any incorporation, or individ-

ual, to the State, or to any county, or other municipal corporation therein.

While this provision of the Constitution does not directly bear upon the question before us, it is important as indicating the extent to which the framers of the Constitution endeavored to go in protecting the public revenues from donation to individuals, or municipalities, either directly, or through the release of any indebtedness lawfully owing by them to the State. An indebtedness for taxes due to the State, or to the county, or to any other municipal corporation, is a debt under this provision of the Constitution, which the Legislature has no power to release, or extinguish.

Two of the acts in question expressly purport to have as a basis for authority of enactment, Article 8, Section 10, which was contained for the first time in the Constitution of 1876, and all of them must stand or fall under it. It is as follows:

"The Legislature shall have no power to release the inhabitants of, or property in any county, city or town, from the payment of taxes levied for State, or county purposes, unless in case of great public calamity in such county, city or town, when such release is made by a vote of two-thirds of each house of the Legislature."

This is a prohibitory provision of the Constitution, and the proponents of the bills must come within the exception to this express prohibition in the Constitution. It is proposed to enact these bills on the assumption that they come within the exception; in that, the purpose and intent of the acts is to relieve counties, cities and towns against "a great public calamity."

The Constitution of 1876, containing this provision, became effective on the 18th day of April of that year. Within less than four months after it became effective, the Legislature of Texas was presented with a situation which required a construction and application of it, arising by reason of a cyclone, or storm of wind and rain in Montague county, on the 5th day of May of that year. On August 15th it passed an act "for the relief of the citizens of Montague county," based upon statements contained in the act, that the storm had almost entirely destroyed the dwellings, fences, barns, personal property and growing crops of the inhabitants of the county, and based on this "great public calamity," it released the taxes for the years 1876 and 1877. (Gammel's Laws, Vol. 8, page 1294.)

At the same session of the Legislature an act was passed "to release from taxation the property of certain citizens of Matagorda and Brazoria counties located within a certain particular territory, by reason of the calamitous storm upon the coast in September, 1875, and the release was from taxes for 1876 only. (Gammel's Laws, Vol. 8, page 1295.)

At the same session of the Legislature the persons and property of the town of Indianola, in Calhoun county, were exempt from taxation for the year 1876 by reason of the same storm. (Vol. 8, page 1296.)

These acts of the Legislature, coming within so short a time after the adoption of the Constitution, clearly indicate the intent of the provision under consideration, as understood by the Legislature. It is noted that the "great public calamities" involved were storms and cyclones, unexpectedly occurring, disastrously affecting whole communities, and that the release from taxation was for only two years for the purpose of enabling those who had been injured by the calamity to recover from its disastrous effects.

The Twenty-eighth Legislature in 1903 passed an act releasing the town of Goliad from State and county taxes for the year 1902 by reason of a cyclone of most unusual and terrific violence, resulting in great loss of life and the destruction of property. The same Legislature donated to Brazoria county the State ad valorem, and a portion of the occupation taxes, for the period of two years, on account of the terrific and destructive hurricane of 1900.

The same Legislature passed an act donating taxes to the city of Galveston by reason of the same great public calamity; this donation being for a period of fifteen years.

The Thirty-fifth Legislature passed an act remitting State taxes to the city of Paris, in Lamar county, for five years, by reason of a calamitous fire, which destroyed all municipal buildings, including the courthouse, schoolhouses, etc., churches and hundreds of homes, and the entire business district.

The same Legislature remitted a portion of the State taxes to the Garrison Independent School District, for a period of five years, by reason of a calamitous fire which destroyed all of the buildings and equipment of the district.

Each of these acts clearly came with-

in the provisions of the Constitution under consideration, because there was presented to the Legislature a situation which disclosed that a great public calamity had occurred, calling for the exercise of its power for the releasing of persons and property from taxes.

It is significant that in none of these instances was the release granted for any considerable time, except that of Galveston, and the authority to grant relief to it can not be disputed in view of the great public calamity, relief against which was sought.

Under the provisions of an entirely separate section of the Constitution, viz., Section 8 of Article 11, which authorizes the Legislature to grant aid to counties and cities on the Gulf coast, several acts have been passed remitting State and county taxes, to wit: that of the Thirty-fifth Legislature to Corpus Christi; that of the Thirty-sixth Legislature to Aransas Pass; that of the Thirty-sixth Legislature to Rockport; that of the Thirty-sixth Legislature to Port Lavaca, and of the same Legislature to Freeport, and of the Thirty-seventh Legislature to Corpus Christi, but the authority to act in these instances is based upon a different constitutional grant.

In addition to the acts above mentioned, the Thirty-eighth Legislature passed an act releasing State taxes to the inhabitants of Hidalgo county for twenty-five years, and of Wharton and Matagorda counties; and the Thirtyninth Legislature passed an act remitting taxes to Cameron and Willacy counties. In the last mentioned act, the authority is based upon the provision of the Constitution, authorizing the granting of relief to counties upon the Gulf coast.

In the act relating to Wharton county and a part of Matagorda county the authority is based upon Section 10 of Article 8, and likewise any authority for passing the act relating to Hidalgo county, must be based upon the same provision of the Constitution, and in fact by its very terms is so based.

As to Hidalgo county, it was stated in the act that during the preceding year there had been a calamitous overflow, whereby great property damage was done and many inhabitants drowned.

The above constitutes the legislative history under Article 8, Section 10, of the Constitution, as well as under Article 11, Section 8, with the exception

of the relief granted to Wharton and Hidalgo counties. The Legislature has never exercised any power under Article 8, Section 10, except to relieve against a "great public calamity" that had already occurred. I refrain from discussing the two exceptions to this history, as they are not before me.

A proper conclusion, of course, depends on what is meant by the words, "great public calamity." "Calamity" is defined to be "any occurrence, especially when sudden and unexpected, that causes great or widespread distress, trouble or affliction to individuals, or to the community, as the failure of crops, an earthquake, the devastation of war or plague, or an extensive fire or flood." (Corpus Juris, Vol. 9, page 1116.) It is further defined as: "any great misfortune, or cause of misery—generally applies to events or disasters which produce extensive evil, either to communities or individuals." (Webster's Revised Unabridged Dictionary.)

I think the words were used as indicated in the construction given them by the Legislature of 1876, and succeeding ones, except those of recent years, as meaning "sudden and unexpected events which produce widespread distress or loss." I do not think it was ever intended by the framers of the Constitution that permanent existing conditions, although unfortunate, and although occasionally causing loss of property, were intended to be corrected by the release of the property located therein, from the payment of taxes. I do not believe that the framers of the Constitution intended to grant to the Legislature the power to release property from taxes during long periods of future time solely by reason of the fact that the property might be located at some place where it was subject to overflows from year to year. If this is the correct interpretation of the Constitution, there could scarcely be found in certain portions of this State a single county which would not have the right to have its inhabitants and property within certain defined territories of it released from taxes. There are in many counties in this State land so located as that it is subject to periodical overflows, creating great loss of property, but this permanent situation of property in relation to streams which makes it subject to overflow is not such an occurrence or event or happening as could be brought within the term "great public

calamity." What is the "great public calamity" relief from which is sought to be given in the acts presented? In one of the bills (S. B. No. 229) there is the statement that during several years, the last being five years ago, certain property overflowed and great damage was done; in two others (S. B. Nos. 228 and 259) that a large area of productive and cultivated land is subject to damage by overflow; and in the other (S. B. No. 293) that the county depository has failed.

Not being influenced by the consideration of public good which might be accomplished by legislation, I am of the opinion that none of these situations come within the provisions of the Constitution that gives the Legislature power to release persons and property from taxation in case of "great public calamity."

Under the provision of the Constitution the Legislature would not have the power to release the inhabitants of, or property in any county, city or town, from taxes, except to grant relief for a calamity that has already occurred, and would not have the power under this provision of the Constitution to release from taxes so as to prevent a possible occurrence of a great public calamity in the future. The provision is one to cover emergencies, sudden and unexpected occurrences of events, and disasters which produce great and widespread distress and loss to whole communities.

My attention has been directed to the decision of the Supreme Court in the case of Aransas Pass vs. Keeling, 112 Texas, 339, as an authority for this legislation. The act under consideration in this case granted to Aransas county the ad valorem taxes for a period of twenty years. This act, as heretofore indicated, was passed under a provision of the Constitution entirely different from the one we are now considering (Section 8, Article 11), which provided that as the counties and cities on the Gulf coast were subject to calamitous overflows, the Legislature was expressly authorized to aid, either by donation of the public domain, or in such other mode as may be provided by law, the construction of seawalls, etc. There was nothing involved in this case at all pertinent to a construction of Section 10, Article 8.

It is true that the court considered the facts of the particular case before it, in order to determine as to whether

or not it was authorized under the following provision of the Constitution:

"The counties and cities on the Gulf coast being subject to calamitous overflows, and a very large proportion of the general revenue being derived from those otherwise prosperous localities, the Legislature is especially authorized to aid * * * the construction of sea-walls," etc.

The court held that the remission of a portion of the State ad valorem taxes upon the property of San Patricio county, which bordered upon the Gulf coast, was authorized under this section of the Constitution. It is to be noted, however, that this constitutional provision expressly states the location of the counties and cities that might receive aid, and the reason why; that is, counties and cities on the Gulf coast, and because they were subject to calamitous overflows.

The court referred to Article 8, Section 10 of the Constitution as being a related provision, authorizing relief in certain cases, but there is nothing in this opinion which would indicate that the court thought that because a county or city in other portions of the State might be subject to calamitous overflow, it would come within the provisions of Section 10, Article 8, authorizing a release of taxes in case of a great public calamity.

The right of a State Legislature to limit its power of taxation, and to exempt persons and property from taxation, is inherent, unless there is a prohibition in the Constitution. In our State, it has been uniformly held that this power is not unlimited, and that under the provision that "taxation shall be equal and uniform," the Legislature has no power to exempt any person or property, unless it is expressly authorized so to do by some provision of the Constitution.

We are here confronted with an express prohibition against release from taxation, and the contemporaneous construction of the provision by the Legislature of the State, as we have heretofore indicated, is not such as to justify the view that it was ever intended to be applied to permanent existing situations, as attempted in the acts before us, but only as a temporary relief against widespread disaster by reason of an unexpected emergency.

My attention has also been directed to Article 16, Section 59, which relates to the conservation and development of the natural resources of the State, including the control, storing, preserva-

tion and distribution of its storm and flood waters, and the creation of conservation and reclamation districts; and it is suggested that the provision that authorizes the Legislature to pass "all such laws as may be appropriate thereto" would justify the passage of the acts under consideration. I do not believe this provision of the Constitution can be so construed.

The purpose of the two provisions are entirely different. Two of the acts under consideration expressly purport to be justified under Article 8, Section 10, as relief against great public calamities. The purpose of Article 16, Section 59, is the organization of districts and the issuance of bonds to provide for the use of storm and flood waters; for irrigation and the reclamation and irrigation of arid lands; for the reclamation and drainage of overflowed lands and the conservation and development of forests, which is an entirely different purpose from that of granting relief by reason of calamitous overflows. One involves progressive development of the State by the preservation of its natural resources; the other involves relief from disasters by reason of a great public calamity.

While the Legislature has never been put to the necessity of seeking constitutional authority for its enactments, specific prohibitions against the exercise of power by it, must be construed strongly against its exercise, and its right to act must come clearly within the provisions of an exception to the express prohibition. The wisdom or policy of a law is entirely within its cognizance, but the fact that the constitutional provision under consideration requires, for the exercise of its power, a vote of two-thirds of each house, clearly indicates that the people demanded that an undoubted right to come within the exception should exist.

As to how far the courts will go in determining as to whether or not the Legislature has exceeded its power in passing upon facts necessary to its exercise, is quite uncertain.

It has been suggested that when the Legislature acts in the matters under consideration, that the courts would have no authority to go behind the enactment to determine as to whether or not there existed a great public calamity, authorizing the law.

I do not agree with this contention, and am of the opinion that if, after the Legislature enacts the bills under consideration, it should appear in any con-

test in the courts that the necessary facts did not exist to authorize their enactment, the court would hold them invalid, and would consider the facts to determine the issue. Otherwise, the Legislature, might at any time, declare that in any certain city, town or county, a great public calamity existed, and release the persons and property therein from taxation. The fact that the Constitution requires a two-thirds vote, in order to pass the law does not militate I think against the principle that the act of the Legislature in passing the law does not close the door of an attack upon it for failure of conditions that would authorize its enactment.

In view of the public interest involved, I have given most careful consideration to the question submitted, and have conferred freely with, and had the briefs of attorneys interested for their clients in a contrary view, but I am convinced that neither of these acts may be enacted by the Legislature, without a violation of the constitutional provision.

Respectfully submitted,

CLAUDE POLLARD,

Attorney General of Texas.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Williamson, Senate bills Nos. 455 and 428 were ordered not printed.

On motion of Mr. Moursund, Senate bill No. 64 was ordered not printed.

SENATE BILL NO. 242 ON SECOND READING.

On motion of Mr. Bird, by unanimous consent, the regular order of business was suspended to take up and have placed on its second reading and passage to third reading.

S. B. No. 242, A bill to be entitled "An Act relating to insurance, etc."

The Speaker laid the bill before the House and it was read second time.

Mr. Purl offered the following (committee) amendments to the bill:

Amend Senate bill No. 242, Section 3, by striking out the words "and industries," wherever the same appear in said section.

Amend Senate bill No. 242 by striking out Section 5 and in lieu thereof substitute the following:

"Section 5. In addition to the duty of approving classifications and rates, the Commissioner shall prescribe policy forms for each kind of insurance uni-

form in all respects except as necessitated by the different plans on which the various kinds of insurers operate, and no insurer shall thereafter use any other form in writing automobile insurance in this State; provided, however, that any insurer may use any form of endorsement appropriate to its plan of operation, provided such endorsement shall be first submitted to and approved by the Commissioner; and any contract or agreement not written into the application and policy shall be void and of no effect and in violation of the provisions of this Act, and shall be sufficient cause for revocation of license of such insurer to write automobile insurance within this State."

Amend Senate bill No. 242 by striking out Section 6 and in lieu thereof substitute the following:

"Section 6. Nothing in this Act shall be construed to prohibit the operation hereunder of any stock company, mutual company, reciprocal or inter-insurance exchange or Lloyds Association or to prohibit any stock company, mutual company, reciprocal or inter-insurance exchange or Lloyds Association issuing participating policies; provided no distribution of profits or dividends to insured shall take effect or be paid until the same shall have been approved by the Commissioner; and provided further that no such distribution shall be approved until adequate reserves shall have been provided, such reserves to be computed on the same basis for all classes of insurers operating under this Act."

Amend Senate bill No. 242 by striking out Section 7 and in lieu thereof substitute the following:

"Section 7. It shall be unlawful for any insurer, as defined in this Act, or its officers, directors, general agent, State agents, special agents, local agents or other representatives, to grant to or contract with insured for any special favor or advantage in dividends or other profits, or any commissions or divisions of commissions or profits to accrue thereon, or any compensation or any valuable consideration, not specified in the policy contract, or any inducement not specified in the policy contract, for the purpose of writing the insurance of any insured. Nothing in this section, however, shall be construed to prohibit an insurer from sharing its profits after the same have been earned with its policyholders under and in accordance with an agreement as to such profit sharing contained in its pol-

icy contract. Any profit sharing under any policy with insured shall be uniform as between such insured, and shall consist only and solely of an equitable distribution under and in accordance with the terms of the policy of earnings between such insured, and no such insurer shall discriminate in any distribution of profits between insured of a class, and no classes for such distribution shall be made or established except on the approval of the Commissioner. No part of any profit shall be distributed to any insured under any such policy until the expiration of the policy contract. Any violation of the terms of this section shall constitute unjust discrimination and shall constitute rebating, and shall be sufficient grounds for the revocation of the permit of the insurer or of the license of the agent being guilty of such unjust discrimination and rebating."

Amend Senate bill No. 242 by striking out Section 8 and in lieu thereof substitute the following:

"Section 8. No insurer coming within the terms of this Act shall, in its business in this State, make or permit any distinction or discrimination in favor of the insured having a like hazard, in the matter of the charge of premiums for insurance, or in dividends or other benefits payable under any policy, nor shall any such insurer or agent make any contract of insurance, or agreement as to such insurance, other than expressed in the policy, nor shall any such insurer or its agents or representatives pay, allow or give, or offer to pay, allow or give, directly or indirectly, as an inducement to insured, any rebate payable upon the policy or any special favor or advantage in dividends or other benefits to accrue, or anything of value whatsoever, not specified in the policy; provided that nothing in this Act shall be construed to prohibit the modification of rates by an experience rating plan designed to encourage the prevention of accidents and to take account of the peculiar hazards of individual risks, provided such plan shall have been approved by the Commissioner; and provided further that only one such plan shall be approved for each form of insurance hereunder."

The amendments were severally adopted.

Mr. Purl offered the following (committee) amendment to the bill:

Amend Senate bill No. 242 by striking out Section 10 and in lieu thereof substitute the following:

"Section 10. Any policy holder or

insurer shall have the right to a hearing before the Commissioner on any grievance occasioned by the approval or disapproval by the Commissioner of any classification, rate or endorsement or policy form, or any rule or regulation established under the terms hereof, such hearing to be held in conformity with rules prescribed by the Commissioner. Upon receipt of request that such hearing is desired, the Commissioner shall forthwith set a date for the hearing, at the same time notifying all interested parties in writing of the place and date thereof, which date, unless otherwise agreed to by the parties at interest, shall not be less than ten nor more than thirty days after the date of said notice. Any party aggrieved shall have the right to apply to any court of competent jurisdiction to obtain redress. No hearing shall suspend the operation of any classification, rate or policy form unless the Commissioner shall so order."

The amendment was adopted.

Mr. Wallace of Freestone offered the following amendments to the bill:

(1)

Amend Senate bill No. 242, printed bill, Section 14, line 8, by striking out the word "such" and by inserting in lieu thereof the following: "automobile."

(2)

Amend Senate bill No. 242, printed bill, page 2, Section 3, line 10, by striking out the word "shall" and insert in lieu thereof the word "may."

(3)

Amend Senate bill No. 242, printed bill, Section 1, page 1, by striking out all after the word "State" on line 35, down to and including the word "approval" on line 38.

(4)

Amend Senate bill No. 242 by striking out all above the enacting clause and insert in lieu thereof a new caption, as follows:

"An Act to authorize the Commissioner of Insurance of the State of Texas to fix the rate of automobile insurance, providing a penalty for violation of the provisions thereof, and declaring an emergency."

The amendments were severally adopted.

Senate bill No. 242 was then passed to third reading.

Mr. Woodall moved a call of the

House for the purpose of maintaining a quorum until 11 o'clock p. m. today, and the call was duly seconded.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Jacks, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

SENATE BILL NO. 242 ON THIRD READING.

Mr. Bird moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 242 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—95.

Mr. Speaker.	Kemble.
Avis.	Kincaid.
Barnett.	King of Hopkins.
Barron.	Kirby.
Bass.	Kirkland.
Bateman.	Land.
Beck.	Loftin.
Bird.	Masterson.
Black.	McCombs.
Boggs.	McGill.
Bonham.	Merritt.
Brice.	Minor.
Brown.	Montgomery.
Conway.	Morse.
Cornwell.	Moursund.
Cox.	Murphy.
Cummings.	Nicholson.
Davis.	Parish of Runnels.
DeBerry.	Parrish of Travis.
Dielmann.	Pavlica.
Dunlap.	Pearce.
Enderby.	Petsch.
Eickenroht.	Poage.
Farrar.	Pool.
Faulk.	Pope.
Finlay.	Porter.
Fly.	Powell.
Forbes.	Purl.
Hagaman.	Ramsey.
Harman.	Rawlins.
High.	Renfro of Mills.
Hogg.	Rogers of Hays.
Holder.	Rogers of Shelby.
Holland.	Rowell.
Hornaday.	Runge.
Jacks.	Sanders.
Keeton.	Satterwhite.

Shaver.	Veatch.
Shearer.	Waddell.
Sheats.	Walker.
Shirley.	Wallace
Simmons.	of Freestone.
Sinks.	Wallace of Smith.
Smith of Atascosa.	Wassell.
Smith of Smith.	Webb.
Snelgrove.	Wells.
Stell.	Whitaker.
Taylor.	Williamson.
Teer.	Woodall.
Van Zandt.	Young.

Nays—10.

Albritton.	Reagan.
Boon.	Renfro
Kennedy.	of Angelina.
Long.	Stout.
Nabors.	Williams
Olsen.	of Travis.

Absent.

Acker.	Kenyon.
Alexander.	Lipscomb.
Branch.	Loy.
Daniel.	McKean.
Denman.	Smith of El Paso.
Duvall.	Smith of Nueces.
Foster.	Smyth.
Fuchs.	Stevenson.
Gates.	Storey.
Gibson.	Sutton.
Gilbert.	Swain.
Graves.	Tillotson.
Gray.	Turner.
Hall.	Wallace of Panola.
Harding.	Ware.
Hefley.	Williams
Johnson.	of Sabine.
Jones.	Woodruff.
Kayton.	

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
	Kinnear.

The Speaker then laid Senate bill No. 242 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—85.

Mr. Speaker.	Conway.
Barnett.	Cornwell.
Barron.	Cummings.
Bass.	Davis.
Bateman.	Dielmann.
Beck.	Dunlap.
Bird.	Enderby.
Boggs.	Finlay.
Bonham.	Fly.
Brown.	Forbes.

Gray.	Ramsey.
Harman.	Rawlins.
High.	Renfro of Mills.
Holder.	Rogers of Hays.
Holland.	Rogers of Shelby.
Hornaday.	Rowell.
Jacks.	Runge.
Keeton.	Sanders.
Kennedy.	Satterwhite.
Kincaid.	Shaver.
King of Hopkins.	Shearer.
Kirby.	Sheats.
Land.	Shirley.
Loftin.	Sinks.
Masterson.	Smith of Atascosa.
McCombs.	Stevenson.
McGill.	Taylor.
Merritt.	Teer.
Minor.	Van Zandt.
Montgomery.	Veatch.
Moursund.	Waddell.
Nicholson.	Walker.
Olsen.	Wallace
Parish of Runnels.	of Freestone.
Parrish of Travis.	Wallace of Panola.
Pavlica.	Wallace of Smith.
Pearce.	Wassell.
Petsch.	Webb.
Pool.	Wells.
Pope.	Whitaker.
Porter.	Williamson.
Powell.	Woodall.
Purl.	Young.

Nays—19.

Albritton.	Poage.
Avis.	Reagan.
Black.	Renfro
Boon.	of Angelina.
Hogg.	Simmons.
Kemble.	Stout.
Kirkland.	Ware.
Long.	Williams
Morse.	of Travis.
Murphy.	Woodruff.
Nabors.	

Present—Not Voting.

Brice.	Snelgrove.
DeBerry.	Stell.
Farrar.	

Absent.

Acker.	Gilbert.
Alexander.	Graves.
Branch.	Hagaman.
Cox.	Hall.
Daniel.	Harding.
Denman.	Hefley.
Duvall.	Johnson.
Eickenroht.	Jones.
Faulk.	Kayton.
Foster.	Kenyon.
Fuchs.	Lipscomb.
Gates.	Loy.
Gibson.	McKean.

Smith of El Paso.	Swain.
Smith of Nueces.	Tillotson.
Smith of Smith.	Turner.
Smyth.	Williams
Storey.	of Sabine.
Sutton.	

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
	Kinnear.

HOUSE BILL NO. 333 ON SECOND READING.

On motion of Mr. Graves, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 333, A bill to be entitled "An Act to amend Article 2688 of the Revised Civil Statutes of Texas, so as to provide for the election of a county superintendent on the first Saturday in April, 1929, and every two years thereafter; prescribing who shall vote at said election; providing for continuance in office of all county superintendents who now hold office; providing what voters shall determine whether there shall be a county superintendent in counties with less than three thousand scholastics, and who shall vote for county superintendent in such counties; changing the time for holding office of a county superintendent appointed by commissioners court; providing for filling vacancies in the office of county superintendents; providing for the election of superintendents in counties having less than three thousand scholastics, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 333 by striking out all below the enacting clause and inserting the following:

"Section 1. That Article 2688, Revised Civil Statutes of Texas for 1925, be amended so that the same shall hereafter read as follows:

"Article 2688. The commissioners court of every county having three thousand scholastic population or more as shown by the preceding scholastic census shall at an election to be held on the first Saturday in April, 1928, and on said date every two years thereafter, provide for the election of a county superintendent to serve for a term of two years, who shall be a person of educational attainments, good moral character, and executive ability, and who shall be provided by the com-

missioners court with an office in the courthouse, and with necessary office furniture and fixtures, and who shall be the holders of a teacher's first grade certificate, or teacher's permanent certificate. Only those qualified voters of the school districts over which the county superintendent has supervision as provided by Article 2690 shall vote for the election of a county superintendent, and returns of said election shall be made and canvassed as provided for making and canvassing returns of the election for county school trustees, and the person receiving the highest number of votes shall be declared elected and the county judge shall issue to said person elected a certificate of election.

"The first election of county superintendent of public instruction under the provisions of this act shall take place on the first Saturday in April, 1928, and all subsequent elections shall be held on the same date every two years thereafter.

"The first term of office of the county superintendent under the provisions of this act shall extend from January 1, 1929, to August 31, 1930, but thereafter the term of office shall be for a period of two years beginning on September 1st and ending on August 31.

"In every county that shall attain three thousand scholastic population or more the county board shall appoint such superintendent, who shall perform the duties of such office until the election and qualification of his successor. In counties having less than three thousand scholastic population, whenever more than twenty-five per cent of the qualified voters of the school districts over which the county superintendent has supervision as provided by Article 2690, as shown by the vote for Governor at the preceding general election, shall petition the commissioners court therefor, said court shall order an election for said districts to determine whether or not the office of county superintendent shall be created in said county; and if a majority of the qualified property taxpaying voters, voting at said election, shall vote for the creation of the office of county superintendent in said county, the commissioners court, at its next regular term after the holding of said election, shall create the office of county superintendent, and the county board shall appoint a county superintendent, who shall qualify under this chapter, and hold such office until the next election thereafter or until his successor qualifies. Only the qualified voters in the districts over which the

county superintendent has control, as provided by Article 2690, shall vote for county superintendent in counties containing less than three thousand scholastics. In the case of a vacancy in the office of the county superintendent, in all counties, the county board of the county shall have power to appoint a county superintendent to serve until the next election and until his successor has qualified.

"Sec. 2. All laws in conflict with any of the provisions of this act are hereby expressly repealed.

"Sec. 3. The importance of this act creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

Mr. Bonham offered the following amendment to the amendment:

Amend the amendment by adding a new section, No. 2, and renumber the following sections to correspond with Section 2, to read as follows:

"Section 2. All county superintendents shall be paid from funds allotted to the entire county."

Mr. Morse moved the previous question on the pending amendments and the bill and the main question was ordered.

Question first recurring on the amendment to the amendment, it was lost.

Question then recurring on the amendment by Mr. Pope, it was lost.

Question then recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 333 then failed to pass to engrossment by the following vote:

Yeas—35.

Albritton.	Pavlica.
Bass.	Pearce.
Boggs.	Poage.
Cummings.	Renfro
Davis.	of Angelina.
Duvall.	Satterwhite.
Enderby.	Shearer.
Eickenroht.	Shirley.
Farrar.	Smith of Smith.
Graves.	Snelgrove.
Gray.	Stell.
Hagaman.	Taylor.
High.	Veatch.
Holder.	Waddell.
Kennedy.	Wallace
Kincaid.	of Freestone.
King of Hopkins.	Webb.
Merritt.	Whitaker.
Olsen.	Young.

Nays—75.

Avis.	Murphy.
Barnett.	Nabors.
Barron.	Nicholson.
Bateman.	Parish of Runnels.
Beck.	Parrish of Travis.
Bird.	Petsch.
Black.	Pool.
Bonham.	Pope.
Boon.	Porter.
Brice.	Purl.
Brown.	Ramsey.
Conway.	Rawlins.
Cornwell.	Reagan.
Cox.	Renfro of Mills.
DeBerry.	Rogers of Hays.
Dunlap.	Rogers of Shelby.
Finlay.	Rowell.
Fly.	Runge.
Forbes.	Sanders.
Gibson.	Shaver.
Harman.	Sheats.
Hogg.	Simmons.
Holland.	Sinks.
Hornaday.	Smith of Atascosa.
Jacks.	Stevenson.
Keeton.	Stout.
Kemble.	Teer.
Kirby.	Tillotson.
Land.	Van Zandt.
Lipscomb.	Walker.
Lottin.	Wallace of Smith.
Long.	Ware.
Masterson.	Wassell.
McCombs.	Wells.
McGill.	Williams
Minor.	of Travis.
Montgomery.	Williamson.
Morse.	Woodall.
Moursund.	Woodruff.

Absent.

Acker.	Kayton.
Alexander.	Kenyon.
Branch.	Kirkland.
Daniel.	Loy.
Denman.	McKean.
Dielmann.	Powell.
Faulk.	Smith of El Paso.
Foster.	Smith of Nueces.
Fuchs.	Smyth.
Gates.	Storey.
Gilbert.	Sutton.
Hall.	Swain.
Harding.	Turner.
Hefley.	Wallace of Panola.
Johnson.	Williams
Jones.	of Sabine.

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
	Kinnear.

HOUSE BILL NO. 613 ON SECOND READING.

On motion of Mr. Hagaman, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 613, A bill to be entitled "An Act to amend Articles 1111, 1112 and 1113 of the Revised Civil Statutes of Texas, pertaining to the encumbrance of lighting and water systems and income thereof by cities and towns to secure payment of funds for the purchase or improvement thereof, including therein the power to encumber sewer systems and the income thereof for said purposes, and declaring an emergency."

The Speaker laid the bill before the House and it was read second time.

Mr. Hagaman offered the following (committee) amendment to the bill:

Amend Section 2 by adding the words "or for extensions" after the words "purchase money" in line 7, page 2.

The amendment was adopted.

House bill No. 613 was then passed to engrossment.

HOUSE BILL NO. 613 ON THIRD READING.

Mr. Hagaman moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 613 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105.

Mr. Speaker.	Fly.
Avis.	Forbes.
Barron.	Gibson.
Bass.	Graves.
Bateman.	Gray.
Beck.	Hagaman.
Bird.	Harman.
Boggs.	High.
Boon.	Hogg.
Brice.	Holder.
Conway.	Holland.
Cornwell.	Hornaday.
Cox.	Jacks.
Cummings.	Keeton.
Daniel.	Kemble.
Davis.	Kincaid.
DeBerry.	King of Hopkins.
Dunlap.	Kirby.
Duvall.	Kirkland.
Enderby.	Land.
Eickenroht.	Lipscomb.
Farrar.	Loftin.
Finlay.	Masterson.

McCombs.	Satterwhite.
McGill.	Shaver.
Merritt.	Shearer.
Minor.	Sheats.
Montgomery.	Shirley.
Morse.	Simmons.
Moursund.	Sinks.
Murphy.	Smith of Atascosa.
Nabors.	Smith of Smith.
Nicholson.	Snelgrove.
Parish of Runnels.	Stell.
Parrish of Travis.	Stevenson.
Pavlica.	Stout.
Pearce.	Taylor.
Petsch.	Tillotson.
Pool.	Turner.
Porter.	Van Zandt.
Powell.	Veatch.
Purl.	Waddell.
Ramsey.	Walker.
Rawlins.	Wallace
Reagan.	of Freestone.
Renfro	Wallace of Smith.
of Angelina.	Wassell.
Renfro of Mills.	Webb.
Rogers of Hays.	Williams
Rogers of Shelby.	of Travis.
Rowell.	Woodall.
Runge.	Woodruff.
Sanders.	Young.

Nays—6.

Albritton.	Kennedy.
Barnett.	Long.
Black.	Olsen.

Absent.

Acker.	Loy.
Alexander.	McKean.
Bonham.	Poage.
Branch.	Pope.
Brown.	Smith of El Paso.
Denman.	Smith of Nueces.
Dielmann.	Smyth.
Faulk.	Storey.
Foster.	Sutton.
Fuchs.	Swain.
Gates.	Teer.
Gilbert.	Wallace of Panola.
Hall.	Ware.
Harding.	Wells.
Hefley.	Whitaker.
Johnson.	Williams
Jones.	of Sabine.
Kayton.	Williamson.
Kenyon.	

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
	Kinnear.

The Speaker then laid House bill No. 613 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—107.

Mr. Speaker.	Murphy.
Albritton.	Nabors.
Avis.	Nicholson.
Barron.	Olsen.
Bass.	Parish of Runnels.
Beck.	Parrish of Travis.
Bird.	Pavlica.
Black.	Pearce.
Boggs.	Petsch.
Boon.	Poage.
Conway.	Pool.
Cornwell.	Porter.
Cox.	Powell.
Cummings.	Purl.
Daniel.	Ramsey.
Davis.	Rawlins.
DeBerry.	Renfro
Dielmann.	of Angelina.
Dunlap.	Renfro of Mills.
Duvall.	Rogers of Hays.
Enderby.	Rogers of Shelby.
Eickenroht.	Rowell.
Farrar.	Runge.
Finlay.	Sanders.
Fly.	Satterwhite.
Forbes.	Shaver.
Gibson.	Shearer.
Graves.	Sheats.
Gray.	Shirley.
Hagaman.	Simmons.
Harman.	Sinks.
High.	Smith of Atascosa.
Hogg.	Smith of Smith.
Holder.	Snelgrove.
Holland.	Stell.
Hornaday.	Stevenson.
Jacks.	Stout.
Kayton.	Taylor.
Keeton.	Tillotson.
Kemble.	Van Zandt.
Kennedy.	Veatch.
Kincaid.	Waddell.
King of Hopkins.	Walker.
Kirby.	Wallace
Kirkland.	of Freestone.
Land.	Wallace of Panola.
Loftin.	Ware.
Long.	Wassell.
Masterson.	Webb.
McGill.	Wells.
Merritt.	Whitaker.
Minor.	Williamson.
Montgomery.	Woodall.
Morse.	Young.
Moursund.	

Nays—2.

Barnett.	Turner.
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Present—Not Voting.

Brice.	Williams
McCombs.	of Travis.

Absent.

Acker.	Kenyon.
Alexander.	Lipscomb.
Bateman.	Loy.
Bonham.	McKean.
Branch.	Pope.
Brown.	Reagan.
Denman.	Smith of El Paso.
Faulk.	Smith of Nueces.
Foster.	Smyth.
Fuchs.	Storey.
Gates.	Sutton.
Gilbert.	Swain.
Hall.	Teer.
Harding.	Williams
Hefley.	of Sabine.
Johnson.	Woodruff.
Jones.	

Absent—Excused.

Anderson.	King of
Justice.	Throckmorton.
	Kinnear.

RELATING TO TAX REMISSION
BILLS.

On motion of Mr. Lipscomb, Senate bills Nos. 228 and 229 were set as a special order for 10 o'clock a. m. next Friday.

HOUSE BILL NO. 119 ON SECOND
READING.

On motion of Mr. Hefley, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 119, A bill to be entitled "An Act imposing an occupation tax upon certain shows."

The Speaker laid the bill before the House and it was read second time.

Mr. Graves offered the following (committee) amendments to the bill:

Amend House bill No. 119 by striking out all of Section 2, and inserting in lieu thereof the following:

"Section 2. If any opera house, theater, tent, airdome or other structure is transported from place to place and is used in the manner and for the purposes herein set out in more than one city, town or village, then there shall be collected from the owner, proprietor or operator of said opera house, theater, tent, airdome or other structure an annual tax of seventy-five dollars; provided that if such opera house, theater, tent, airdome or other structure used for such purposes is not erected and used in any city, town or village having over one thousand population as determined by the last preceding Federal cen-

sus, then in lieu of the said single tax of seventy-five dollars, there shall be collected from the proprietor, owner or operator of such opera house, theater, tent, airdome or other structure a tax of one dollar for every such city, town or village in which such opera house, theater, tent, airdome or other structure is erected and used; provided further that no additional tax shall be collected from the owner, operator or proprietor of any such opera house, theater, tent, airdome or other structure if the tax of seventy-five dollars has been collected; provided further that in addition to the State occupation tax imposed by Section 1 hereof and by the preceding portions of Section 2 that incorporated cities, towns and villages shall each have the power and authority to collect from the owner, proprietor or operator of every such opera house, theater, tent, airdome or other structure used for the said purpose, whether stationary or movable, where theatrical or dramatical representations, musical comedy shows, moving pictures or other entertainments or exhibitions are given for profit, a tax equal to one-half the amount imposed herein as a State occupation tax."

Amend caption of House bill No. 119 as follows:

"A bill to be entitled 'An Act imposing an occupation tax upon theatrical, dramatic and musical comedy shows, moving picture shows, opera houses, theaters, tents, airdomes, and other such structures; and for public entertainment operating for private profit; said tax to be collected from the owner, proprietor or operator of such places of entertainment; said tax to be collected from all shows, moving pictures and other public entertainments or exhibitions given for profit in cities, towns, and villages; the amount to be graduated according to the population of said cities, towns and villages as described herein, imposing an annual tax according to said population of said cities, towns or villages, according to the last preceding Federal census; granting authority to such cities, towns, and villages to collect an additional tax equal to one-half the State tax, repealing all laws in conflict herewith and particularly repealing Section 22 of Article 7047, Revised Civil Statutes of the State of Texas and Chapter 6 of the General Laws of the Third Called Session of the Thirty-eighth Legislature, and all laws or parts of laws in conflict with the provisions of this act, and declaring an emergency."

On motion of Mr. Wassell, further consideration of the bill was postponed until 2 o'clock p. m. next Friday.

HOUSE BILL NO. 401 ON SECOND READING.

On motion of Mr. Holder, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 401, A bill to be entitled "An Act authorizing cities which now have, or may hereafter have 5000 or more inhabitants, in case of condemnation of land for laying out, establishing or enlarging parks, parkways or pleasure grounds to provide that the cost of such land should be paid for, wholly or in part, by the property owners owning property in the vicinity thereof and benefited thereby, and to fix liens against said property benefited to the extent same is specially benefited, and providing how said benefits may be assessed and collected, and providing how such assessments may be made to mature."

The Speaker laid the bill before the House and it was read second time.

Mr. Hornaday raised a point of order on further consideration of the bill at this time, on the ground that an identical bill has been reported adversely by a committee.

The Speaker overruled the point of order.

Mr. Bonham moved that the call of the House be extended to 11:30 o'clock p. m. today, and the motion was lost.

BILLS ORDERED NOT PRINTED.

On motion of Mr. Holland, Senate bill No. 222 was ordered not printed.

On motion of Mr. Smith of Atascosa, Senate bill No. 300 was ordered not printed.

On motion of Mr. Rawlins, Senate bill No. 441 was ordered not printed.

ADJOURNMENT.

On motion of Mr. Renfro of Angelina, the House, at 11:05 o'clock p. m., adjourned until 9:30 o'clock a. m. Thursday, March 10.

APPENDIX.

STANDING COMMITTEE REPORTS.

The following standing committees have today filed favorable reports on bills as follows:

Insurance: Senate bills Nos. 12, 158, 206, 242, 252, 255.

Judiciary: Senate bills Nos. 197, 220, 290, 401, 447; House bills Nos. 617, 640, 653.

Labor: Senate bill No. 320.

Public Lands and Buildings: Senate bill No. 421.

State Affairs: House bill No. 469.

Highways and Motor Traffic: House bills Nos. 550, 580.

Constitutional Amendments: Senate joint resolutions Nos. 30, 32.

The following standing committees have today filed adverse reports on bills as follows:

Constitutional Amendments: House joint resolution No. 30.

Judiciary: House bill No. 642.

School Districts: House bill No. 648.

REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,
Austin, Texas, March 9, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 578, A bill to be entitled "An Act to give the Supreme Court of Texas the power to make and establish all rules of civil procedure for the government of said court and the other courts of this State so as to expedite the dispatch of business therein, and to call to its assistance such judges and lawyers of the State as the Supreme Court may select to aid in formulating such rules, and to repeal such statutes of practice and procedure as may be in force when such rules go into effect,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

Committee Room,
Austin, Texas, March 8, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 162, A bill to be entitled "An Act to amend Chapter 176 of the General Laws of the Thirty-eighth Legislature, so as to increase the salary of the judge of the county court of Dallas County at Law No. 1, and the salary of the court of Dallas County at Law No. 2, from thirty-six hundred dollars

(\$3600) per annum to forty-eight hundred dollars (\$4800) per annum; prescribing the method of payment, and declaring an emergency."

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 426, A bill to be entitled "An Act to provide for and regulate the method of taking or catching fish in the public fresh waters of Marion and Harrison counties, State of Texas; providing penalties for violation, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 619, A bill to be entitled "An Act amending Chapter 95 of the Special Laws of the Thirty-sixth Legislature by providing that the compensation of commissioners for inspecting public roads and bridges shall be \$5 per day instead of \$4 per day; that said compensation shall be paid out of the general fund of the county and that no commissioner shall receive pay for such inspection for more than seven days in any one month,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

Committee Room,

Austin, Texas, March 8, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 636, A bill to be entitled "An Act to create Road District No. 7 in Shelby county, Texas; validating and approving all orders made by the commissioners court of said county in respect to the organization of said district; validating the authorization; issuance and sale of certain bonds thereof dated February 9, 1920, and numbered

forty-six to one hundred, inclusive, totaling twenty-seven thousand five hundred (\$27,500) dollars, of five hundred (\$500) dollars each; providing for their payment by the annual levy and assessment of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the commissioners court of said county in respect of said designated road district bonds and taxes or certified copies thereof and constituting such orders legal evidence; evidencing proof of publication of constitutional notice required in such acts, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

TAYLOR, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,

Austin, Texas, March 9, 1927.

Hon. Robert Lee Bobbitt, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 320, "An Act to provide for a license for persons who shall fish with artificial lures of any kind in the waters of this State; to prescribe the license fees for such licenses and to provide for the issuance of said licenses by the Game, Fish and Oyster Commission, his deputies, county clerks or other legally authorized agents; and to provide for the payment of these officers for the issuance of said licenses, and to provide for the keeping of a record of the licenses issued, and to provide for the disposition of the funds from said licenses and to provide penalties for the failure of persons to procure a license to fish where the same are required and to define the term 'non-resident' as used in this act, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

MORSE, Chairman.

THIRTY-SIXTH DAY.

(Thursday, March 10, 1927.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Bobbitt.

The roll was called and the following members were present:

Acker. Alexander.
Albritton.